

ESTTA Tracking number: **ESTTA729730**

Filing date: **02/26/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91213057
Party	Plaintiff Hybrid Athletics, LLC
Correspondence Address	MICHAEL J KOSMA WHITMYER IP GROUP LLC 600 SUMMER STREET STAMFORD, CT 06901 UNITED STATES mkosma@whipgroup.com, litigation@whipgroup.com
Submission	Testimony For Plaintiff
Filer's Name	Michael J. Kosma
Filer's e-mail	mkosma@whipgroup.com, litigation@whipgroup.com
Signature	/Michael J. Kosma/
Date	02/26/2016
Attachments	~ Not Cover Pt. 5.pdf(98146 bytes ) Exhibit 31.pdf(5493572 bytes ) Exhibit 32 reduced.pdf(2446405 bytes ) Exhibit 33 reduced pt 1.pdf(2913637 bytes ) Exhibit 33 reduced pt 2.pdf(3157845 bytes ) Exhibit 34.pdf(1830791 bytes ) Exhibit 35.pdf(294290 bytes ) Exhibit 36.pdf(368412 bytes ) Exhibit 37.pdf(627542 bytes ) Exhibit 38.pdf(977595 bytes ) Exhibit 39.pdf(476321 bytes ) Exhibit 40.pdf(525469 bytes ) Exhibit 41.pdf(1280609 bytes ) Exhibit 42.pdf(348646 bytes ) Exhibit 43.pdf(1970535 bytes ) Exhibit 44.pdf(361840 bytes ) Exhibit 45.pdf(1060776 bytes ) Exhibit 46.pdf(420457 bytes ) Exhibit 47.pdf(439880 bytes ) Exhibit 48.pdf(1796425 bytes ) Exhibit 49.pdf(1570899 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

HYBRID ATHLETICS, LLC,	:	
	:	
Opposer,	:	Opposition No. 91213057
	:	
v.	:	
	:	
HYLETE LLC,	:	
	:	
Applicant.	:	

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**OPPOSER'S NOTICE OF FILING ORLANDO TRIAL TESTIMONY**

**REDACTED VERSION - PART 5 CONTENTS:**

**Exhibits 31 - 49**

Respectfully submitted,

HYBRID ATHLETICS, LLC

February 26, 2016

/s/ Michael J. Kosma

Michael J. Kosma

Christina L. Winsor

Whitmyer IP Group LLC

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Stamford, CT 06901

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Facsimile (203) 703-0801

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[mkosma@whipgroup.com](mailto:mkosma@whipgroup.com)

*ATTORNEYS FOR OPPOSER*





Verizon 3G

3:58 PM



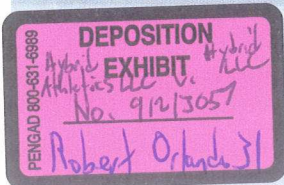
71%



Messages

Matt Paulson

Edit



Apr 9, 2012, 11:13 AM

Great talking with you.  
Excited to be a part of  
something new. What's  
the name of your brand?

Great speaking with yoo  
too and glad to have you  
on board! Later this week,  
i'll give you the name,  
logo, and walk you  
through a brief  
presentation. On

ce u get back and settled,  
let me know and i'll send it  
to you.

Roger. Talk to you later



Text Message

Send

HYBRID000015



Messages

Matt Paulson

Edit

Hey Matt--I spent some time looking at the Hylete logo and I must say that it looks eerily similar to the Hybrid Athletics image. The font on the text is identical. Also, Hybrid Athletics is the long version of your brand name. This is odd, no?

Apr 24, 2012, 1:48 AM

Hey Rob.. just now seeing this.. Hylete is a condensed 'Hybrid Athlete' that we have been saying at JACO for a long time. However, I can see your concern



Text Message

Send



Messages

Matt Paulson

Edit

saying at JACO for a long time. However, I can see your concer

n.. the font we used is Eurostile. Is that your font also? Let's discuss tomorrow. I assure you we are not trying to copy anything from you.

May 1, 2012, 12:36 PM

Hey Rob, how are you? You get my sample material? I know your busy getting ready for Australia but i'd like to touch base before you leave. Do you hav



Text Message

Send



Messages

Matt Paulson

Edit

material? I know your busy getting ready for Australia but i'd like to touch base before you leave. Do you hav

e time? Thx. Matt

May 15, 2012, 8:42 PM

Hey Rob- how are you?  
Hope your Aus trip went well. U settled yet? Are you free to chat this week? Go to [shop.hylete.com](http://shop.hylete.com) to see how the new site is

shaping up.

Oct 29, 2012, 7:33 PM

Hey Rob- how are you?



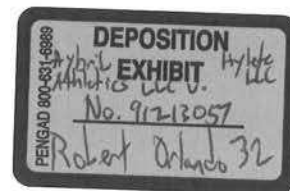
Text Message

Send



**From:** Matt Paulson <mpaulson@hylete.com>  
**Sent:** Monday, April 23, 2012 12:03 PM  
**To:** Robert Orlando <conanrules1@gmail.com>  
**Subject:** Mock-ups  
**Attach:** Hybrid Athletics 03- Womens.jpg; Hybrid Athletics- 02.jpg; HybridAthletics-01.jpg; HYLETE Ambassador Compensation Program- Rob Orlando 4.18.2012.xlsx; HYLETE Brand Presentation 2012 04 18-2.pptx

---



Hey Rob,

Here are some mockups and files for you. This is just a start and she will be working on more this week. Do you have time to speak today? I want to go over the other two attachments that covers the brand direction and also the revenue-sharing program I was talking about.

Let me know when have 15 minutes or so.

Thanks, Matt





# HYLETE

## Hybrid Athletics Women's Black T-Shirt

1" wide logo  
1" from shoulder



Front



9" Wide  
Centered Back

Back

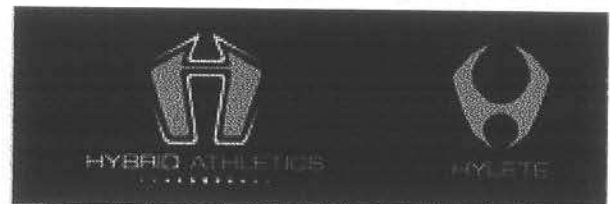
Back Logo:  
- 9" Wide Centered Back  
- Placed 4" from neckline

Front Logo:  
- 1" Wide  
- Placed 1" from shoulder seam

\*Not to Scale

430 C

123 C





# HYLETE



## Hybrid Athletics Black T-Shirt

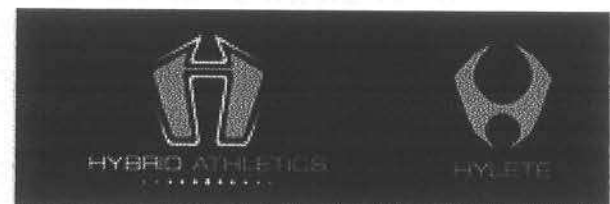


Front Logo:  
- 12" Centered Chest  
- Placed 1.5" from top of neck line

Back Logo:  
- 3" Wide  
- Placed 1.75" from top of neck line

\*Not to Scale

430 C   
1234C 

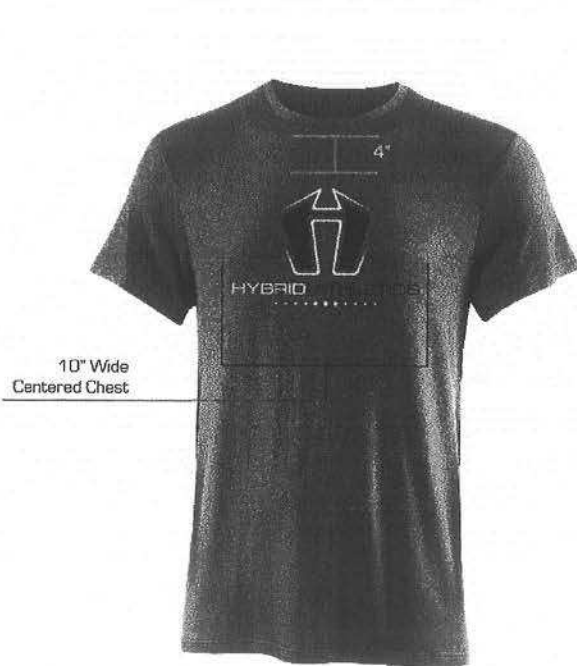






# HYLETE

## Hybrid Athletics Gunmetal T-Shirt



Front



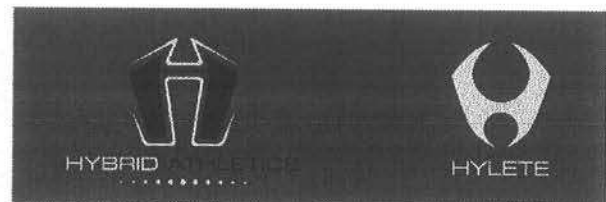
Back

Front Logo:  
- 12" Centered Chest  
- Placed 1.5" from top of neck line

Back Logo:  
- 3" Wide  
- Placed 1.75" from top of neck line

\* Not to Scale

Black   
123 C 



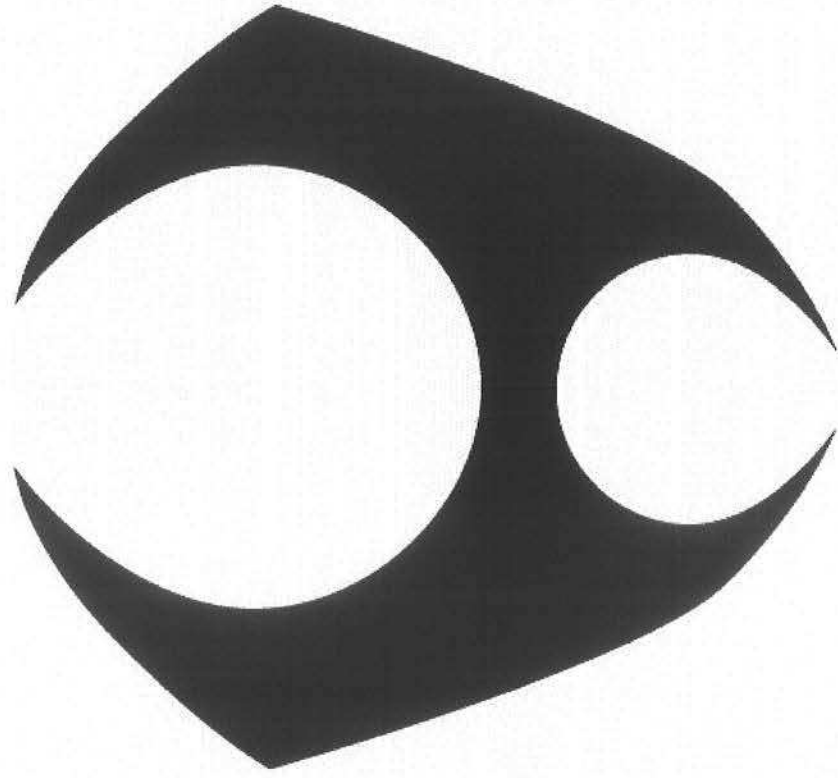
	A
1	<b>HYLETE Ambassador Elite Commission Program</b>
2	<b>Ambassador</b>
3	
4	<b>Program Specifics:</b>
5	
6	
7	
8	
9	
10	<b>Assumption Inputs:</b>
11	
12	
13	
14	
15	
16	
17	
18	<b>Commission Payments:</b>
19	
20	
21	
22	
23	
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	B	C	D	E	F	G
1						
2						
3						
4	<b>Rob Orlando</b>					
5	<b>HYLETE Ambassador Trainers receive commissions on Direct Referred Athlete Net Purchases, Direct Referred</b>					
6	Commissions on Direct Referred Athlete Accounts (Retail Pricing):	20%				
7	Commissions on Direct Referred Ambassadors Net Purchases (50% off Retail):	5%				
8	Commissions on Indirect Referred Athlete Net Purchases (Retail Pricing)	5%				
9						
10						
11	Projected Direct Referred Athletes	Per Year	Per Month	Per Day		
12	Projected Direct Referred Ambassadors	72	6.0	0.2		
13	Projected Indirect Referred Athletes per Direct Referred Ambassador	60	5.0	0.2		
14	Estimated Yearly Net Purchases of each Ambassador Trainer	48	4.0	0.1		
15	Estimated Yearly Net Purchases of each Athlete	300	\$ 25.00	\$ 0.83		
16		100	\$ 8.33	\$ 0.28		
17						
18	<b>Ambassador Commissions (Projected)</b>					
19	<i>Calculated on input assumption cells above (yellow)</i>					
20		2012	2013	2014	2015	2016
21	Commissions on Direct Referred Athlete Accounts (Retail Pricing):	720	2,160	3,600	5,040	6,480
22	Commissions on Direct Referred Ambassadors Net Purchases (50% off Retail):	450	1,350	2,250	3,150	4,050
23	Commissions on Indirect Referred Athlete Net Purchases (Retail Pricing)	7,200	21,600	36,000	50,400	64,800
24	<b>Total Commissions per Year (\$)</b>	<b>8,370</b>	<b>25,110</b>	<b>41,850</b>	<b>58,590</b>	<b>75,330</b>
25	<b>Monthly Commissions (\$)</b>	698	2,093	3,488	4,883	6,278
26	1. Chart is calculated on input assumption cells above (yellow)					
27	2. Chart assumes that the Referred Athletes and Ambassadors Remain HYLETE Customers from their initial first purchase year through 2017					
28	3. 2012 is calculated as only 6 months or one-half year					
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18		
19	2017	
20		
21	7,920	
22	4,950	
23	79,200	
24	92,070	
25	7,673	
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**HYLETE**

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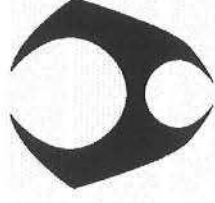
# HYLETE

brand statement

Founded upon three intertwined principles:

***train*** to push yourself both physically and mentally;  
***compete*** so as to improve yourself, as well as those around you;  
and ***live*** to be healthy in mind, body, and soul.

train. compete. live

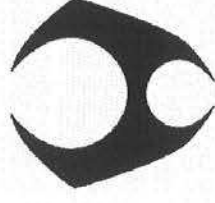




# HYLETE

vision

Create innovative, performance cross-training  
apparel that captures the spirit of a new breed of  
hybrid athlete.



HYLETE

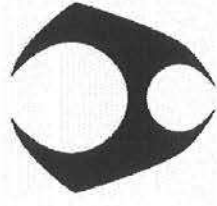
## marketing mix

**positioning:** what is the market opportunity and who is the core consumer persona that we desire to resonate with?

**products:** what are the product offerings that will engage our core consumers?

**placement:** how can we most effectively reach and sell to our core consumers?

**promotion:** how will we most effectively communicate the value of our products to grow the brand?





HYLETE

## marketing opportunity

Cross-training is an overarching training category that is comprised of CrossFit, Boot Camps, Jiu-Jitsu, Muay Thai, TRX, P90x, Yoga, etc. and is the blend of physical and mental challenges that improve the endurance, flexibility, strength, performance, and mind-set of today's athletes.

The total number of persons in the United States who trains in one or more of the above categories on a frequent basis is over 50,000,000; or about 15% of the total US population.



# HYLETE consumer persona

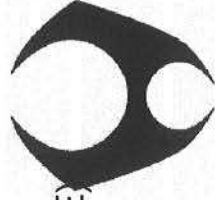


## "HYBRID" HALEY:

- > HALEY truly enjoys the mental challenge as much as the physical challenge of his/her training
- > HALEY loves the camaraderie of training
- > HALEY will adopt a new brand, if he/she learns of it in an organic, personal manner *and* if it authentically connects to his/her life

cognitive age: 25 to 39

(\*SELF PERCEIVED AGE VERSUS ACTUAL AGE)

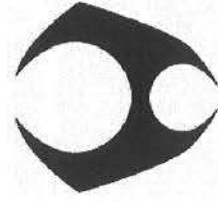
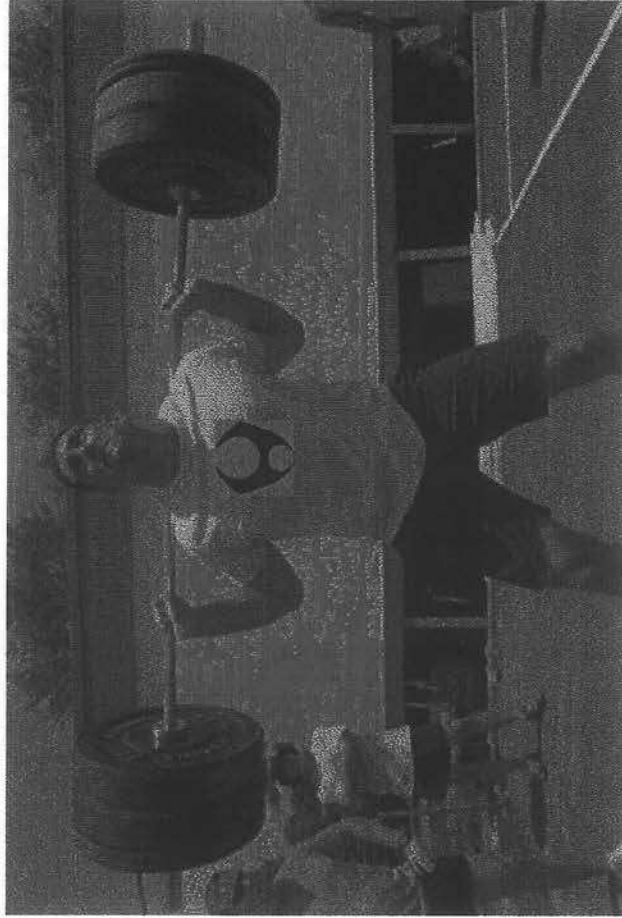
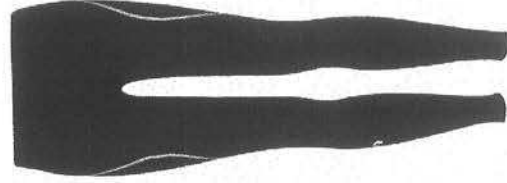
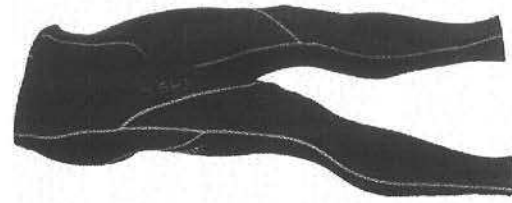
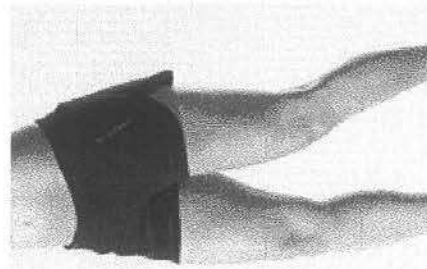
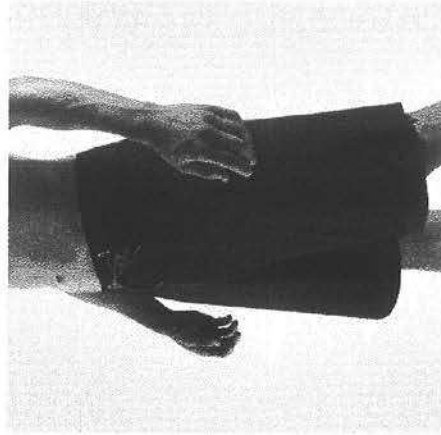




HYLETE

products

shorts. compression. tees.

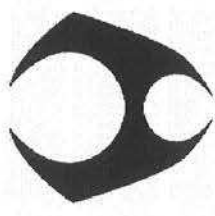


# HYLETE

## placement

HYLETE will leverage a direct to consumer platform (website e-commerce for sales & facebook for marketing) that will target two key sectors:

1. Trainers (CrossFit, Martial Arts, Fitness)
2. Service Personnel (Military, Police/Detectives, EMT/Paramedics, and Firefighters)



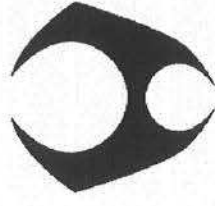


# HYLETE

## promotion - trainers

HYLETE will leverage its Founders' proven method of attracting and engaging Trainers to become not only consumers of HYLETE products, but also become HYLETE Ambassadors in their spheres of influence, namely the Trainers' clientele.

HYLETE already has approximately 500 Trainers that it will leverage as of its web/product launch on May 29<sup>th</sup>, 2012. HYLETE will grow the number of Trainers to 2,500 by the end of 2013 and to 12,500 by 2017.



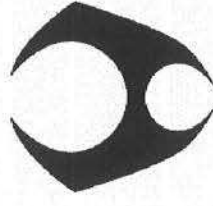
# HYLETE

## promotion - trainers

There are 250,000 Trainers in the United States with each Trainer having on average 27 Clients for a total Client population of 6,500,000.

HYLETE estimates that each Trainer will spend \$200 per year on HYLETE apparel. Additionally, HYLETE projects that each Trainer will influence an average of 7 of his/her clients to spend \$100 per year on HYLETE apparel.

This Trainer sector is anticipated to yield \$2,250,000 of Revenues for 2013 and grow to \$14,375,000 of Revenues by 2017.



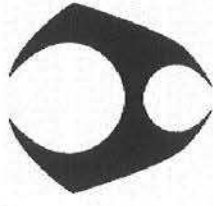


HYLETE

## promotion - trainers

**Question:** How do we attract and engage so many Trainers, so quickly?

**Answer:** The same formula that we have developed and successfully executed this past year in another company. **Each Trainer receives 50% off of Retail for all of their purchases of HYLETE (the industry average is 15% off Retail Price) Of course, HYLETE products must be exceptional for Training, and the brand must resonate with the Trainer's lifestyle.**



HYLETE

## promotion – service personnel

HYLETE will attract and engage Service Personnel to become not only consumers of HYLETE products, but also become HYLETE Ambassadors in their spheres of influence, namely their peers/friends.

HYLETE anticipates having 6,400 Service Personnel Ambassadors by the end of 2013 and growing this number to over 50,000 by the end of 2017.



## **HYLETE**

### **promotion – service personnel**

There are 1,211,575 Active Military; 794,300 Police/Detectives; 226,500 EMT/Paramedics; and 310,400 Firefighters in the United States.

HYLETE estimates that each Service Personnel Ambassador will spend \$100 per year on HYLETE apparel. Additionally, HYLETE projects that each Trainer will influence an average of 4 peers/friends to spend \$40 per year.

This Service Personnel sector is anticipated to yield \$1,652,804 of Revenues for 2013 and grow to \$13,222,430 of Revenues by 2017.





# HYLETE

## promotion – service personnel

**Question:** How do we attract and engage so many Service Personnel, so quickly?

**Answer: Each Service Personnel Ambassador receives 50% off of Retail for all of their purchases of HYLETE for their Entire Household.** Of course, HYLETE products must be exceptional, and the brand must resonate with the Service Personnel's lifestyle.

The Service Personnel Sector is the ideal secondary target for HYLETE due to CrossFit's close correlation and ties with military training and the physical training needs of this sector in general.



HYLETE

## promotion – ambassador

**Question:** How do we effectively integrate our HYLETE Ambassadors to become fully engaged in our brand?

**Answer:** Listen to our Ambassadors needs, create exceptional apparel for them and their spheres of influence, and compensate them for being a significant part of the ultimate success of HYLETE.

Because of HYLETE's direct to consumer model, we have the ability to share the revenues of the company with our most valuable marketing partners, our HYLETE Ambassadors.

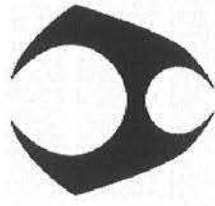


**HYLETE**

# **promotion – ambassador**

## **Ambassador Referral Program Specifics:**

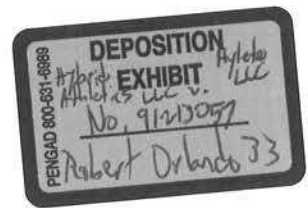
- 1. Receive referral commissions of 20% of Direct Referred End Consumer Net Purchases (Retail Pricing)**
- 2. Receive referral commissions of 5% of Direct Referred Ambassador/Trainer/Service Personnel Net Purchases (50% off Retail Accounts)**
- 3. Receive 5% of Indirect Referred End Consumer Net Purchases (Retail Pricing)**





**From:** Matt Paulson <mpaulson@hylete.com>  
**Sent:** Monday, April 23, 2012 3:52 PM  
**To:** Robert Orlando <conanrules1@gmail.com>  
**Subject:** Catalog  
**Attach:** Line%20Presentation.pdf

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Hey Rob,

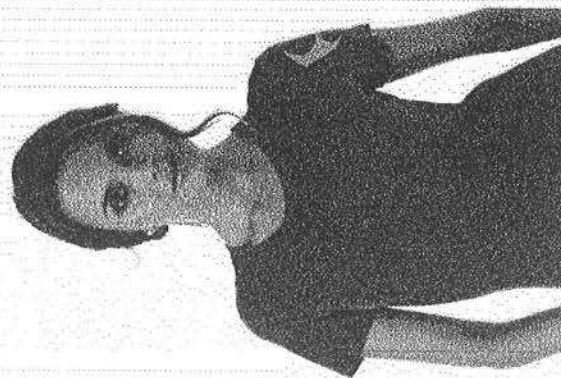
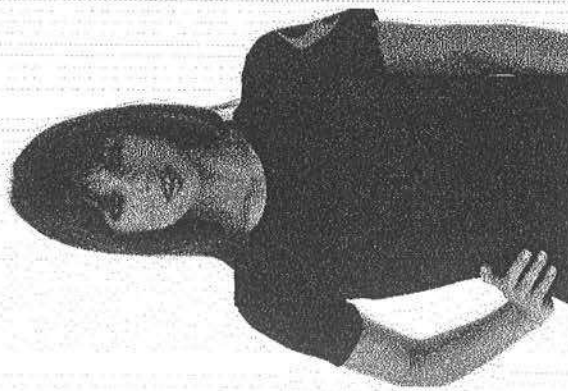
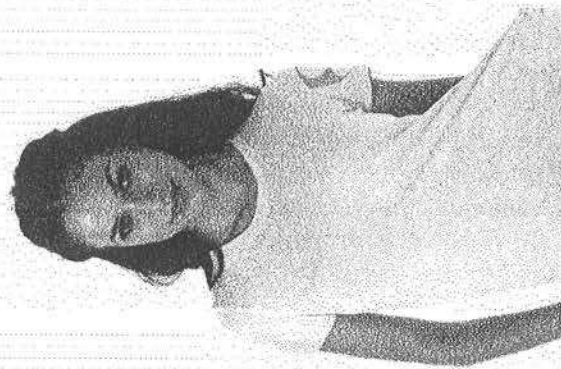
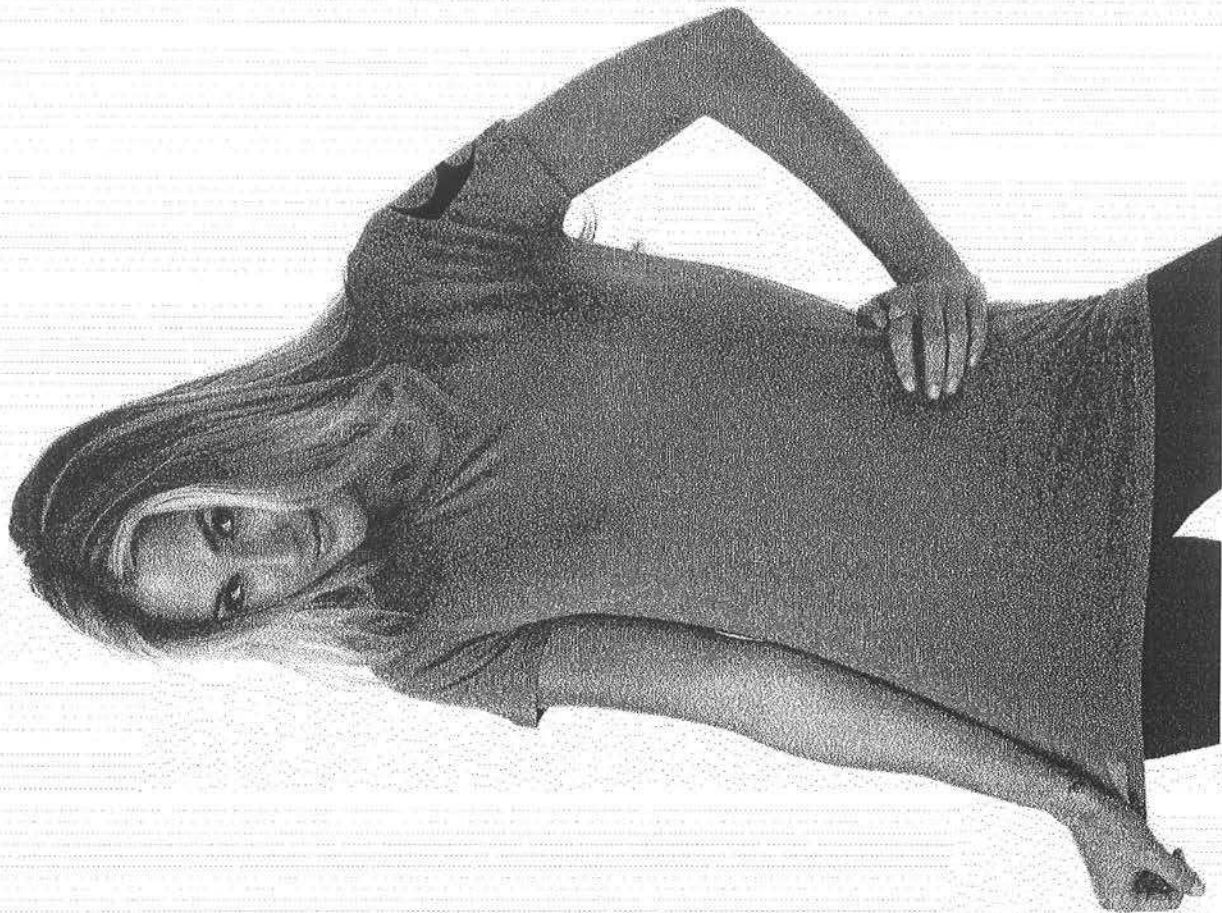
Great speaking with you! I attached another catalog for you to review that includes a lot of different shirts styles/colors/ etc. Hylete will not move forward with all of these but this will give you a good idea of the offering. Let me know which ones you want to see mock-ups on.

Thanks Rob! Matt



HYLETE

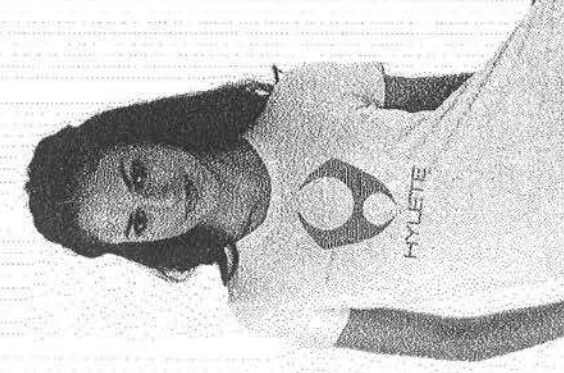
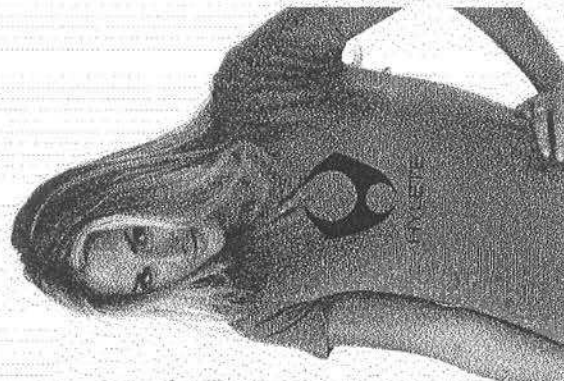
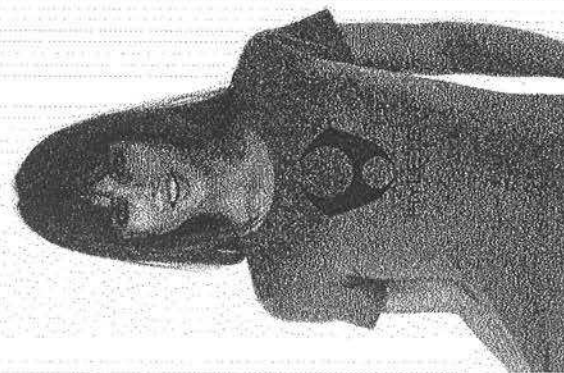
## Women's Logo Crew





HYLETE

## Women's Stacked Logo Crew

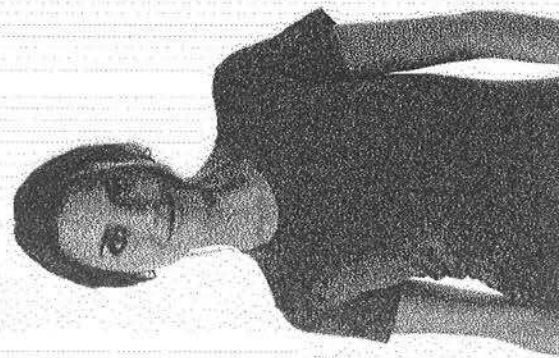
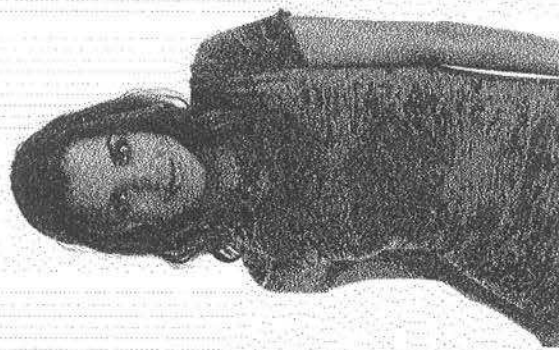
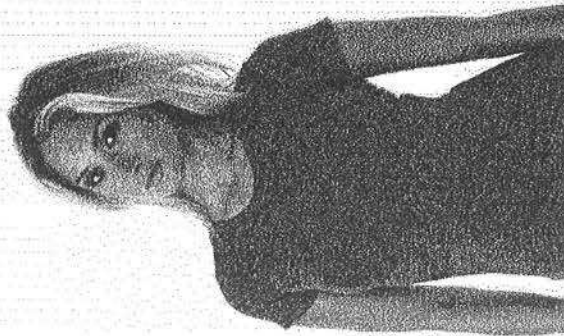
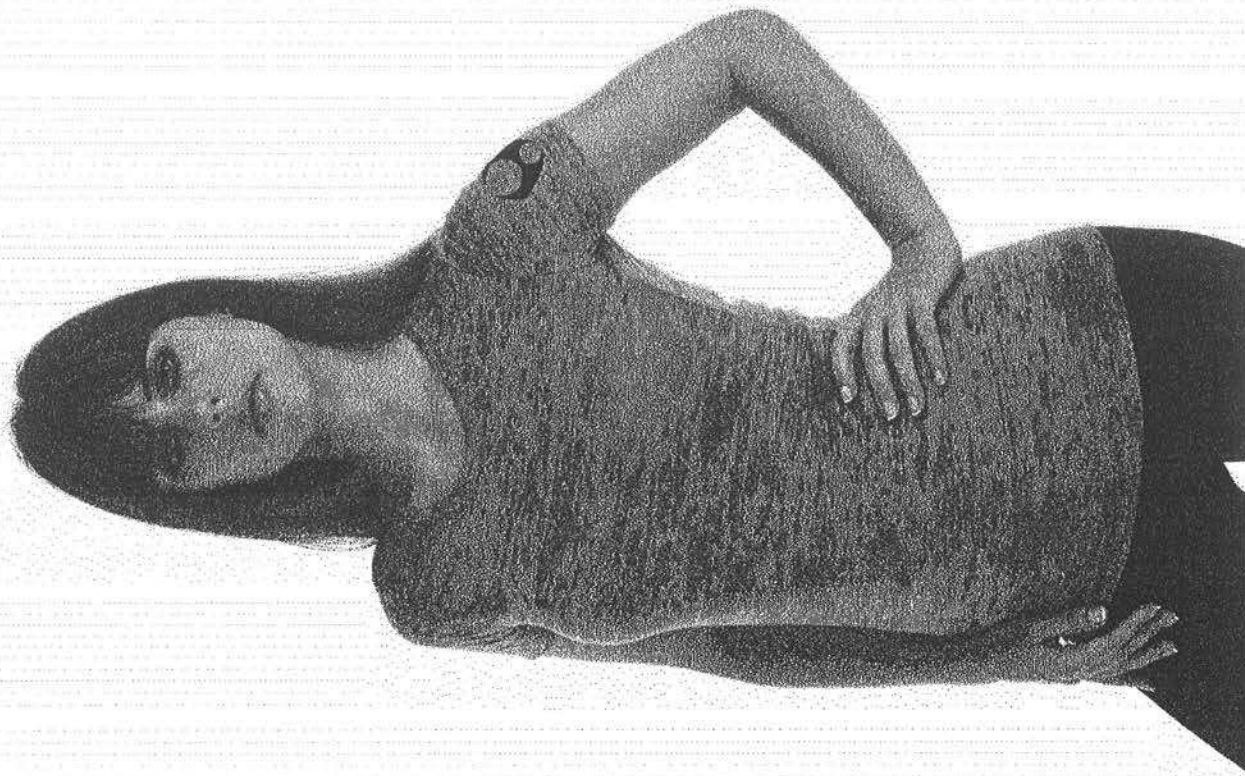






HYLETE

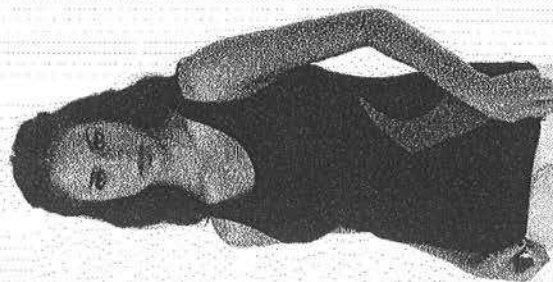
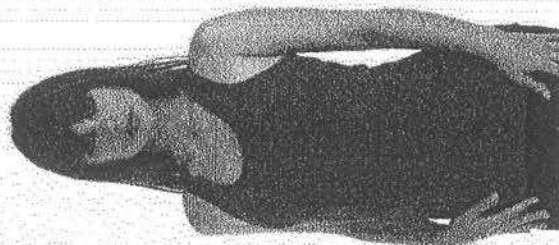
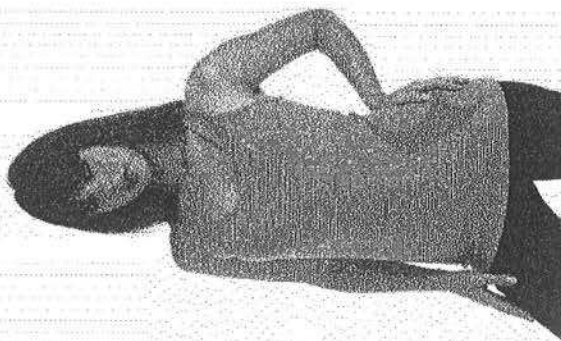
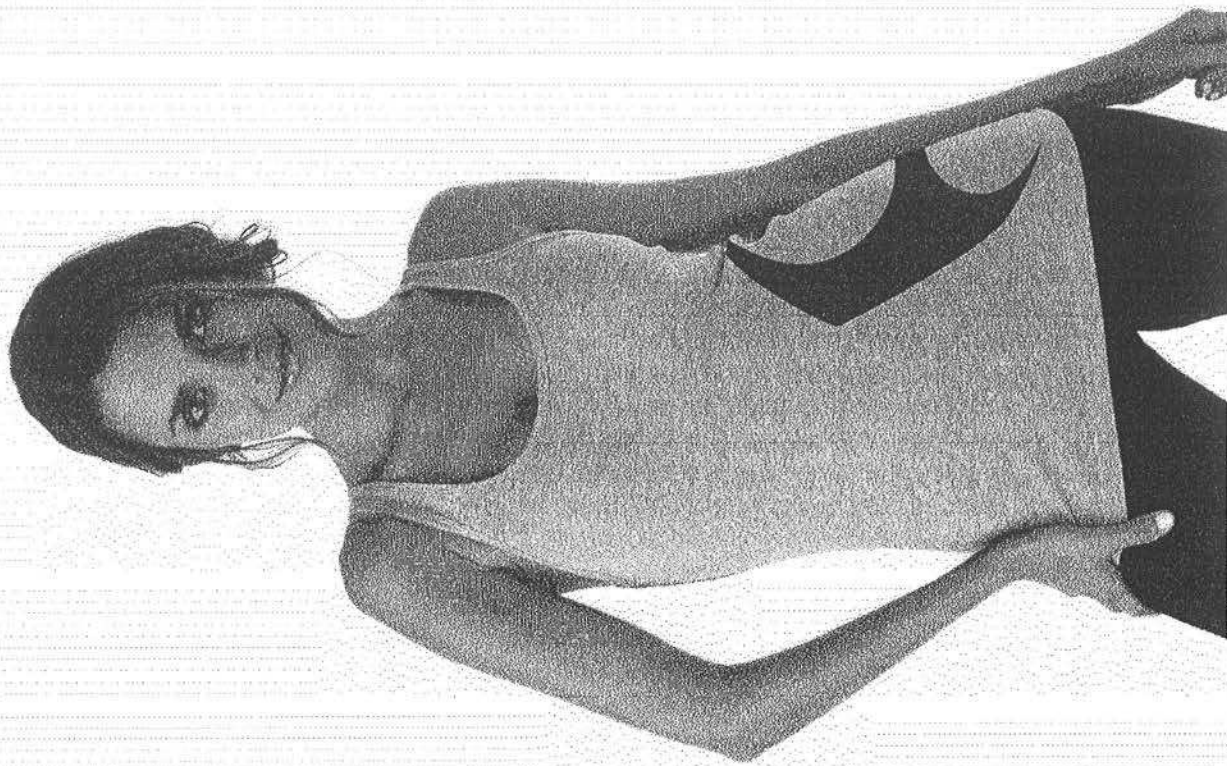
## Women's Logo Crew





HYLETE

Women's Logo Tank

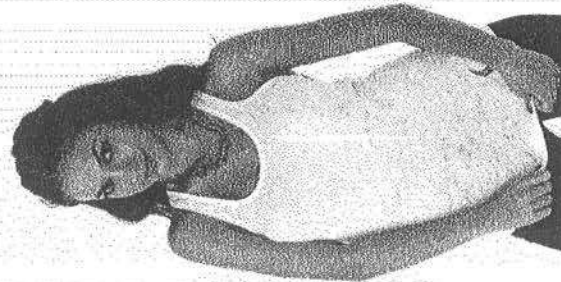
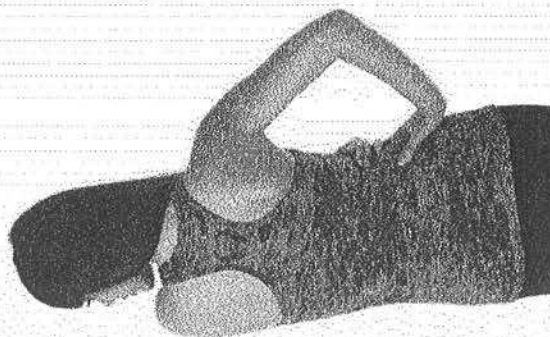
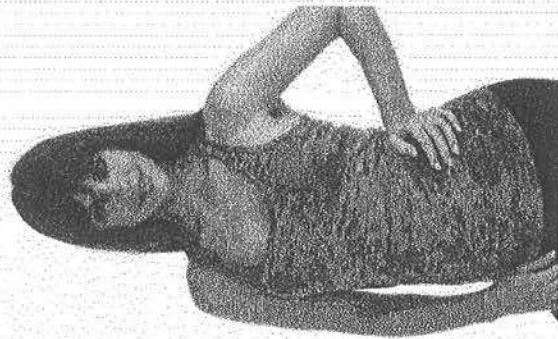
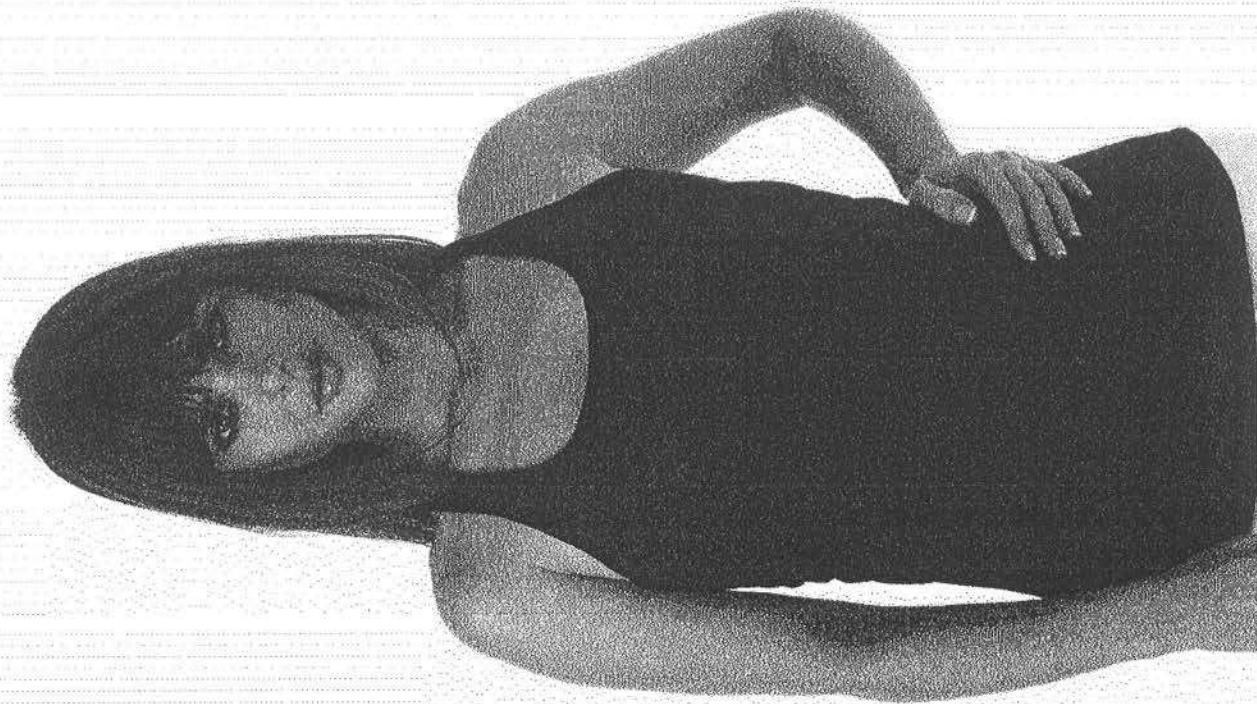






HYLETE

## Women's Burnout Logo Tank

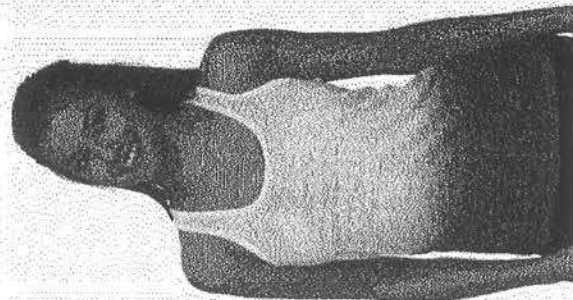
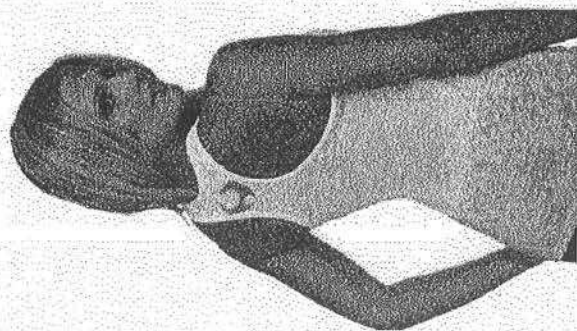
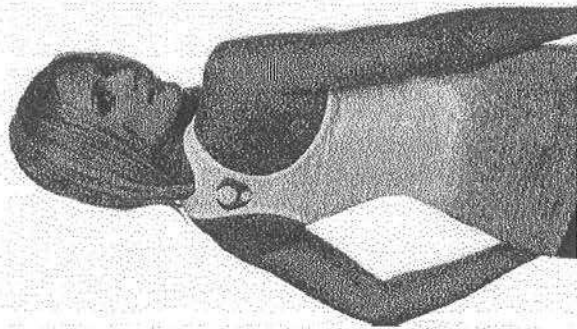
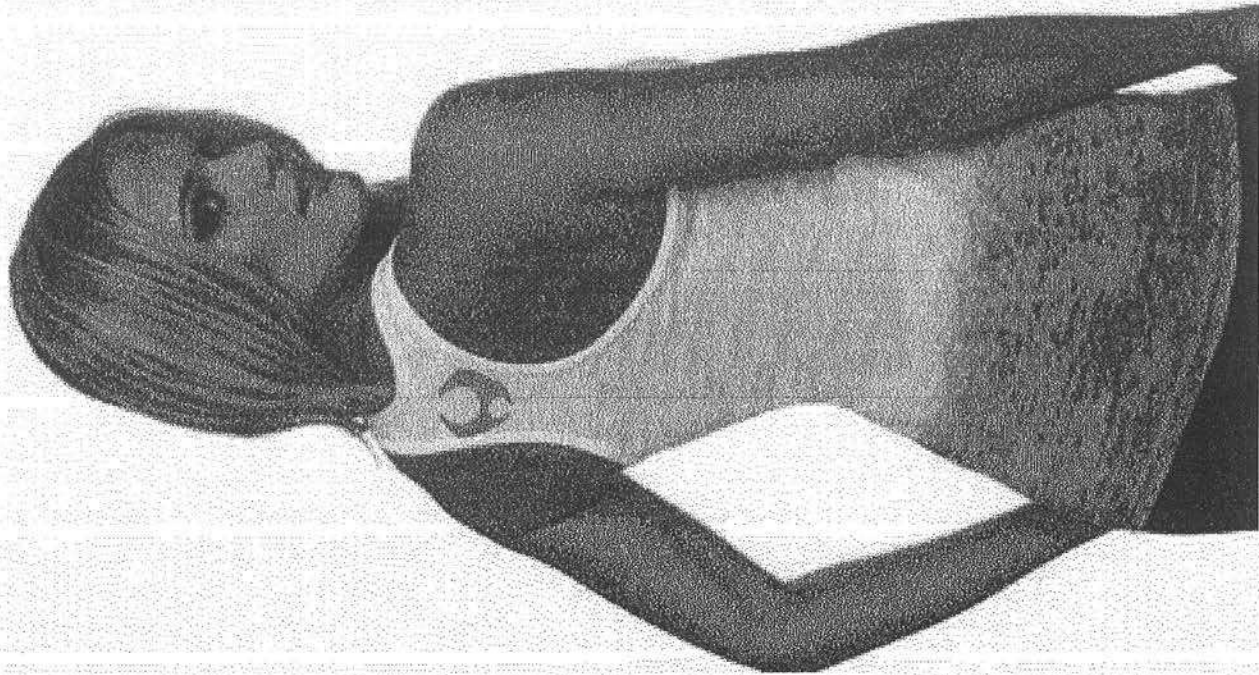






HYLETE

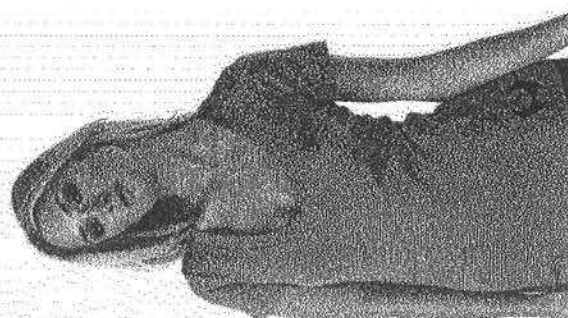
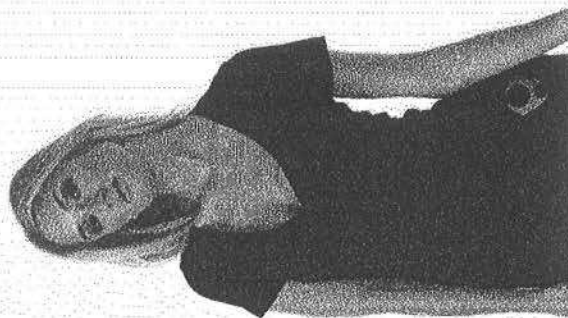
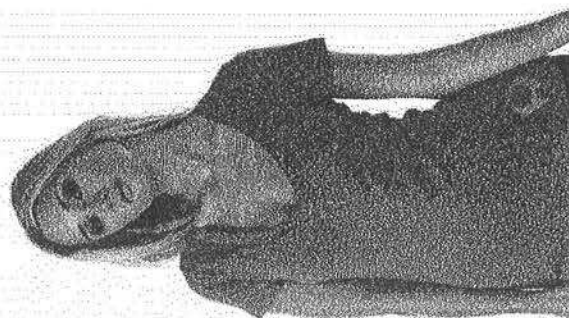
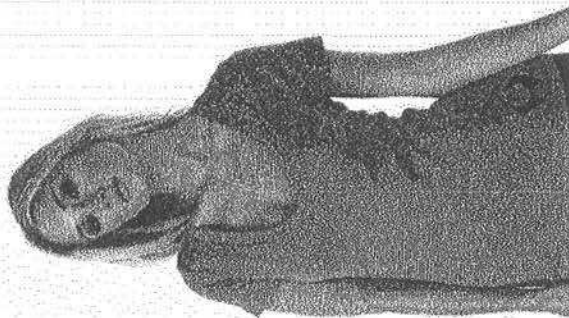
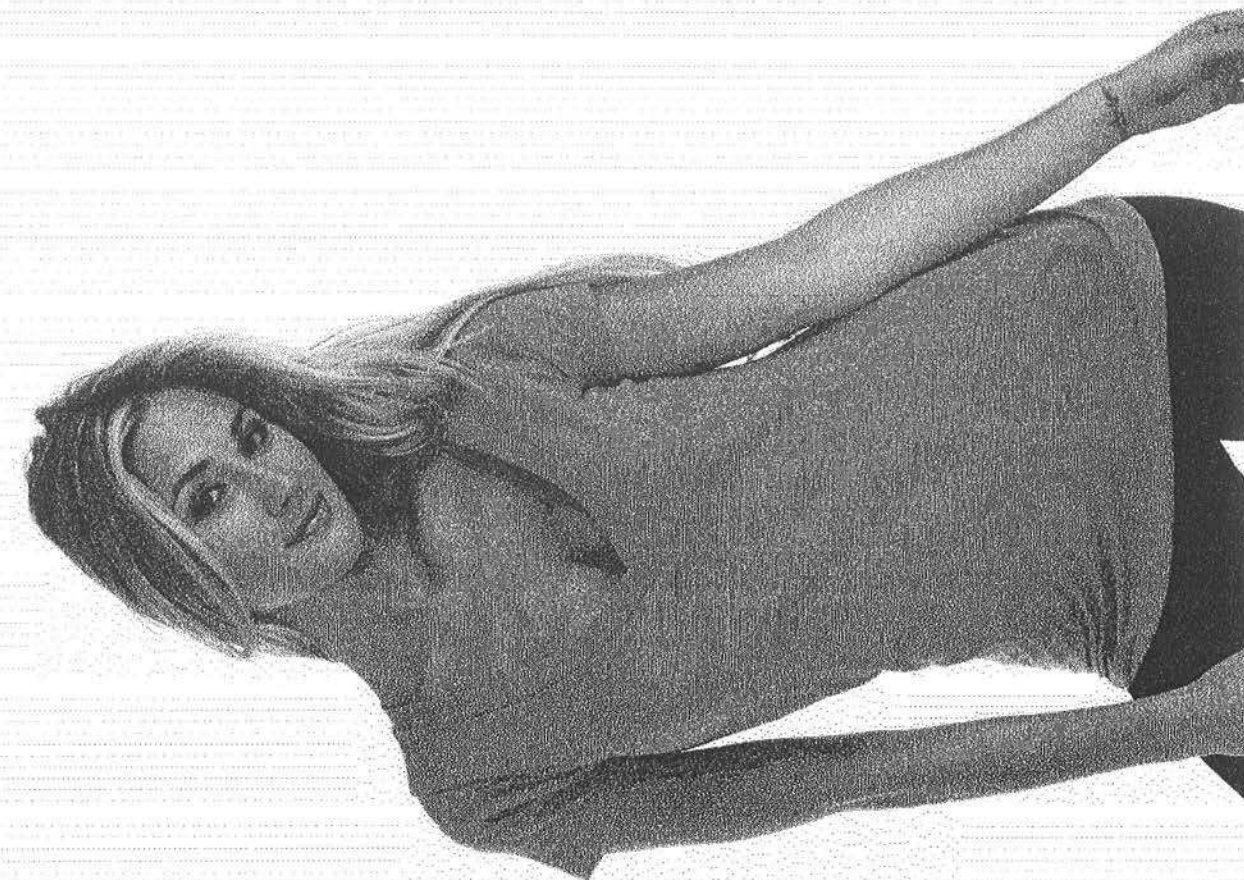
# Women's Burnout Fade Logo Tank





HYLETE

Women's Deep V

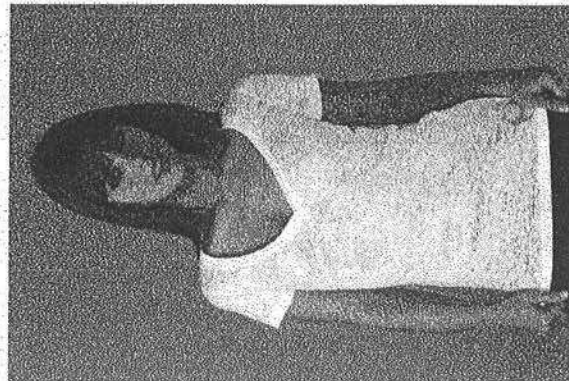
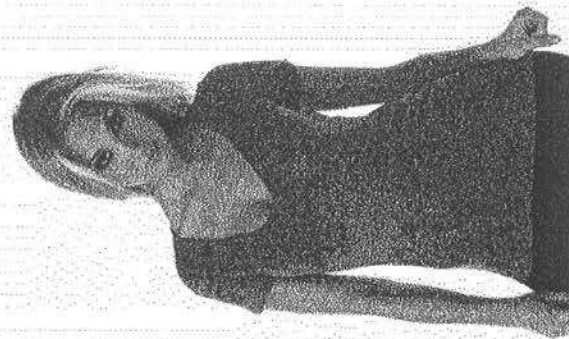
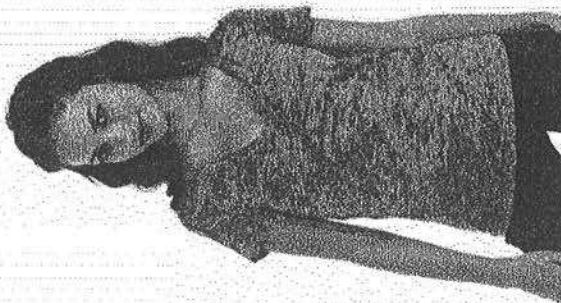






HYLETE

## Women's Burnout Deep V

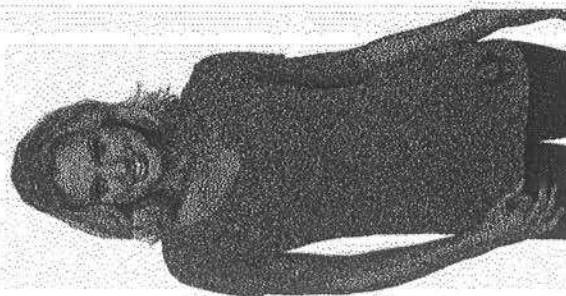
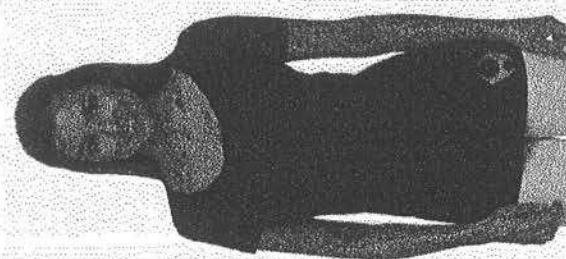
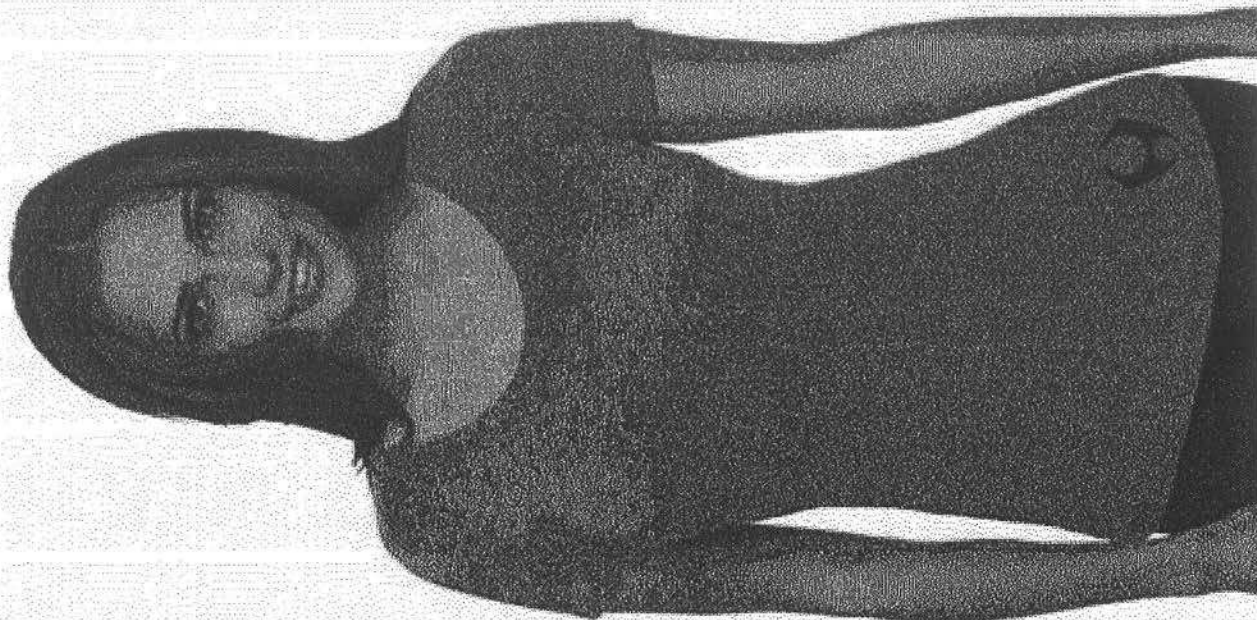
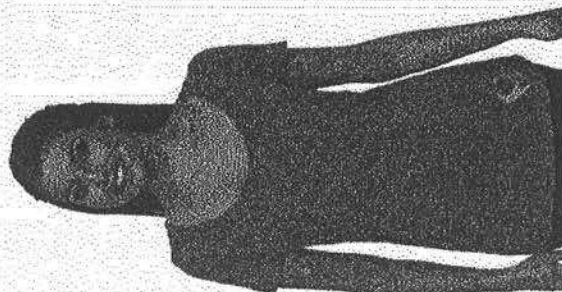
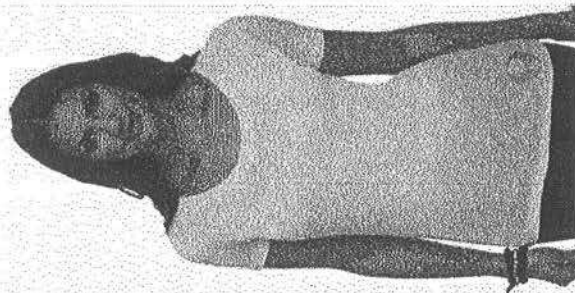
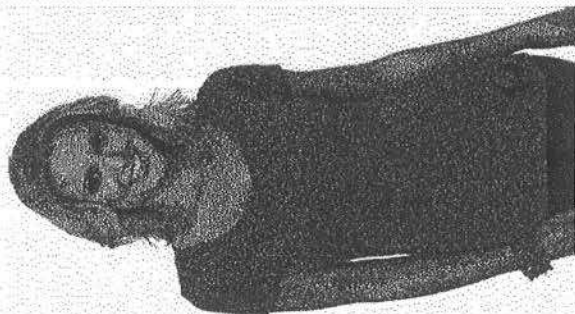






HYLETE

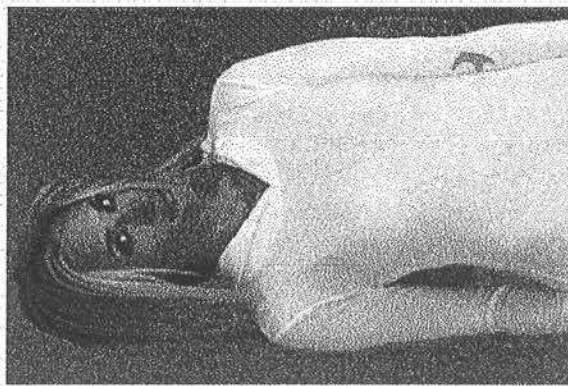
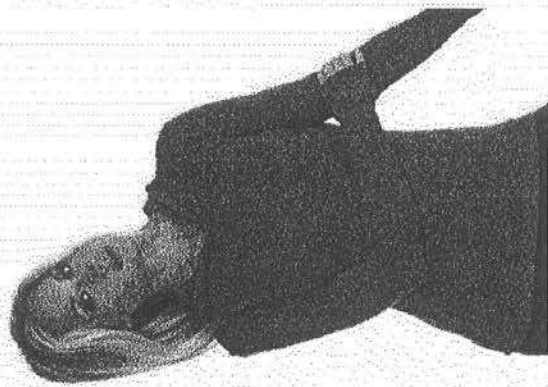
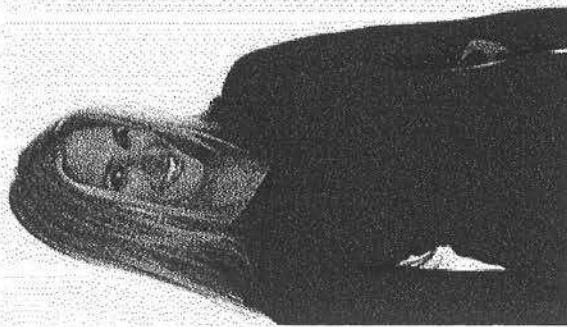
## Women's Logo Scoop





HYLETE

Women's Logo Hoodie

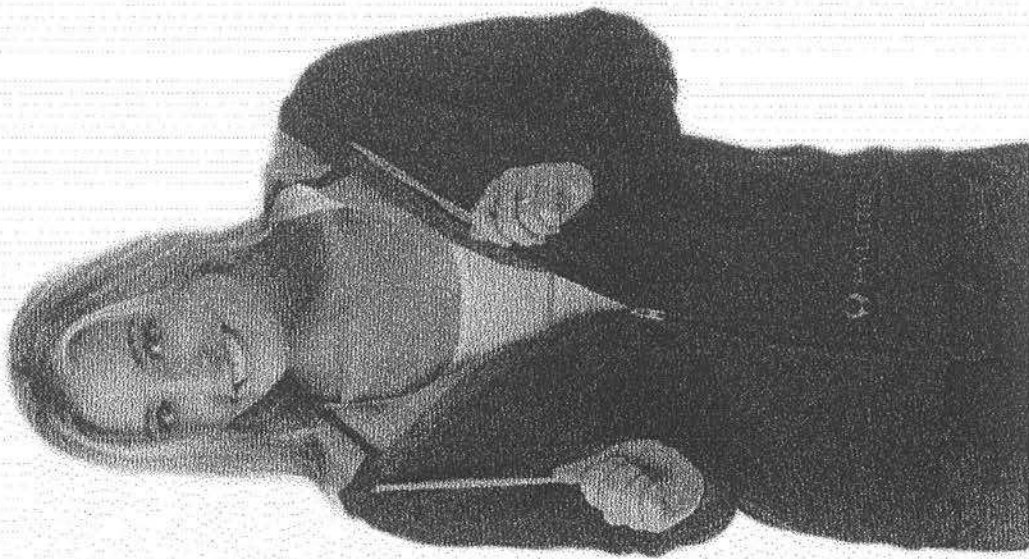
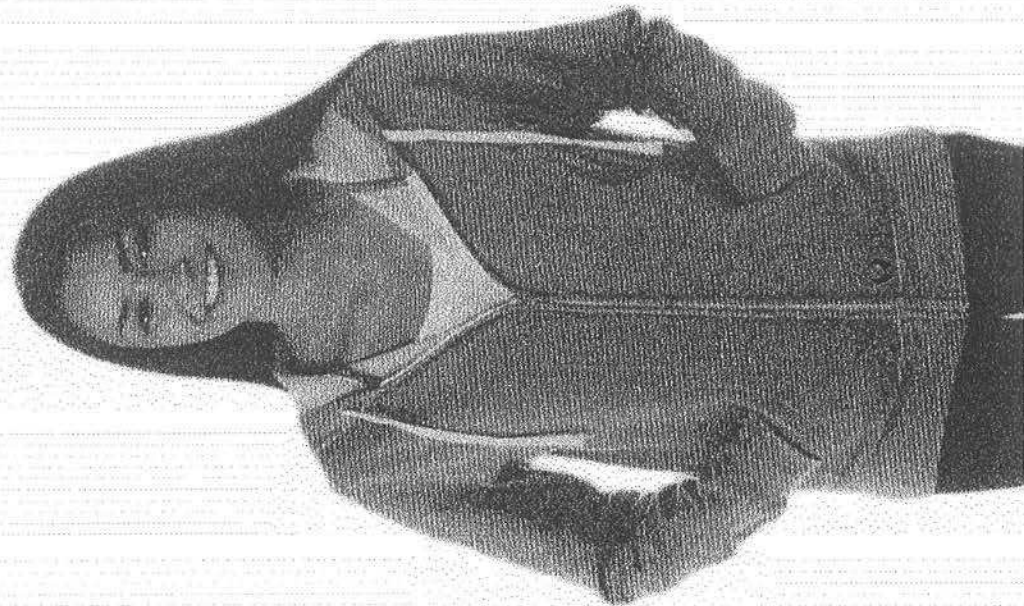






HYLETE

# Women's Pocket Logo Hoodie

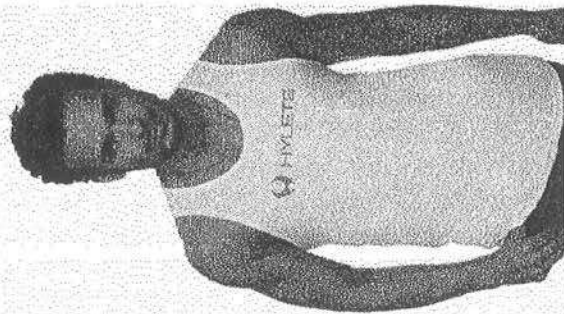
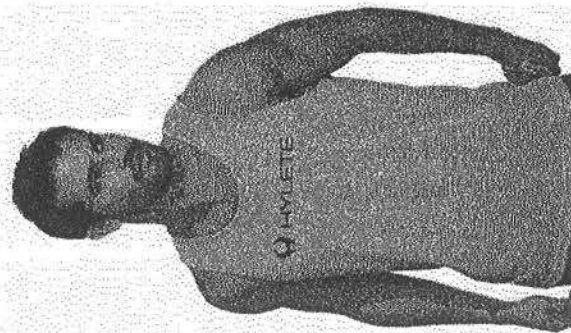
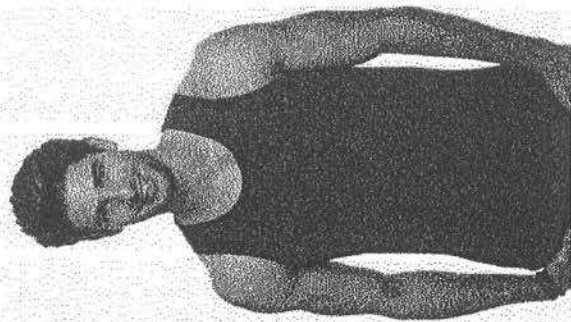






HYLETE

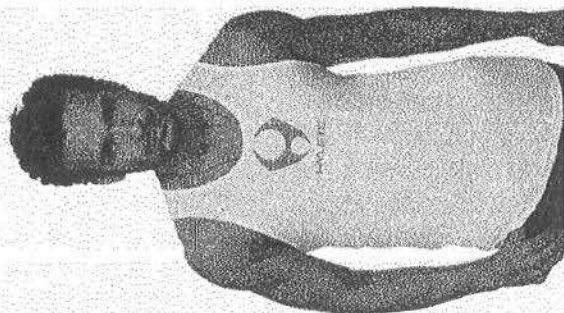
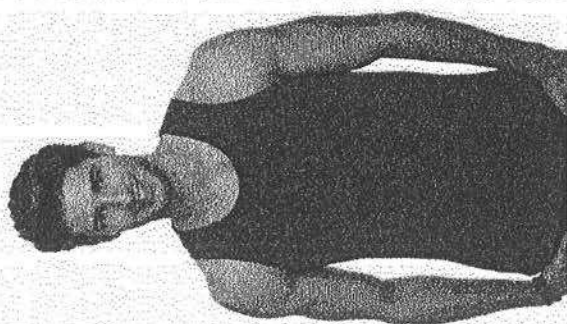
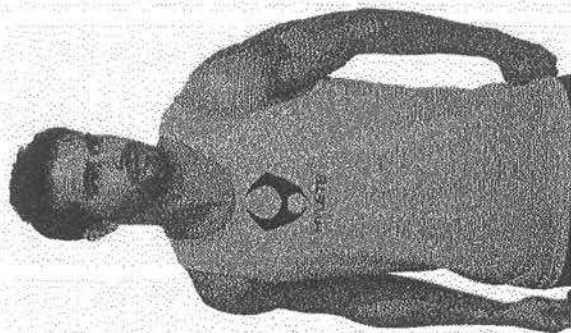
## Men's In Line Logo Tank



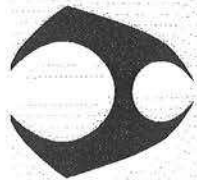


HYLETE

## Men's Stacked Logo Tank

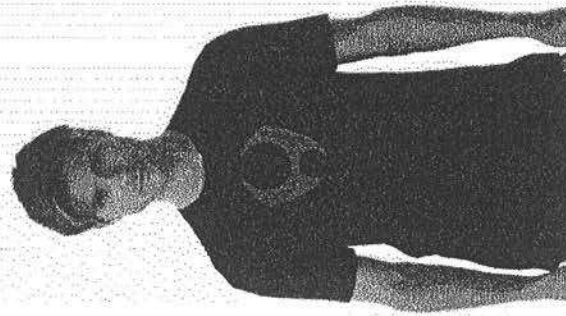
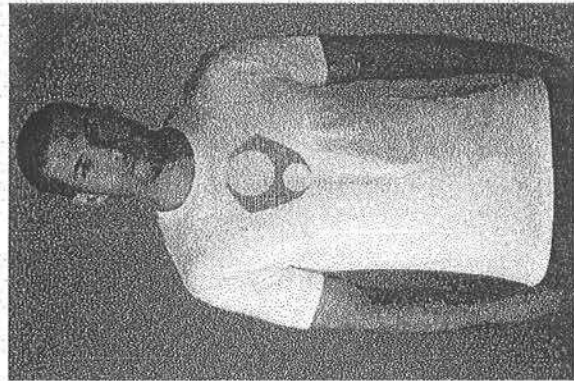
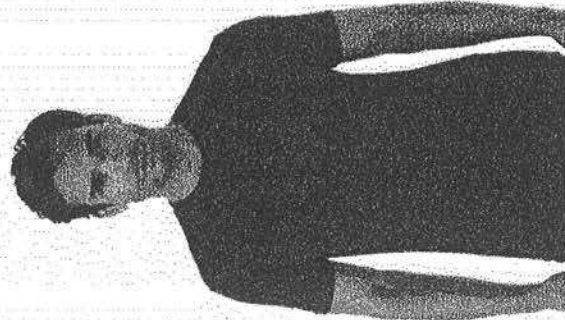
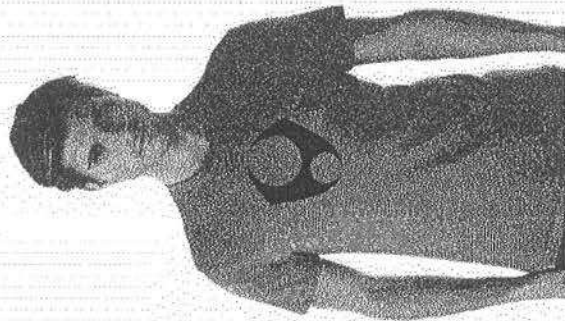
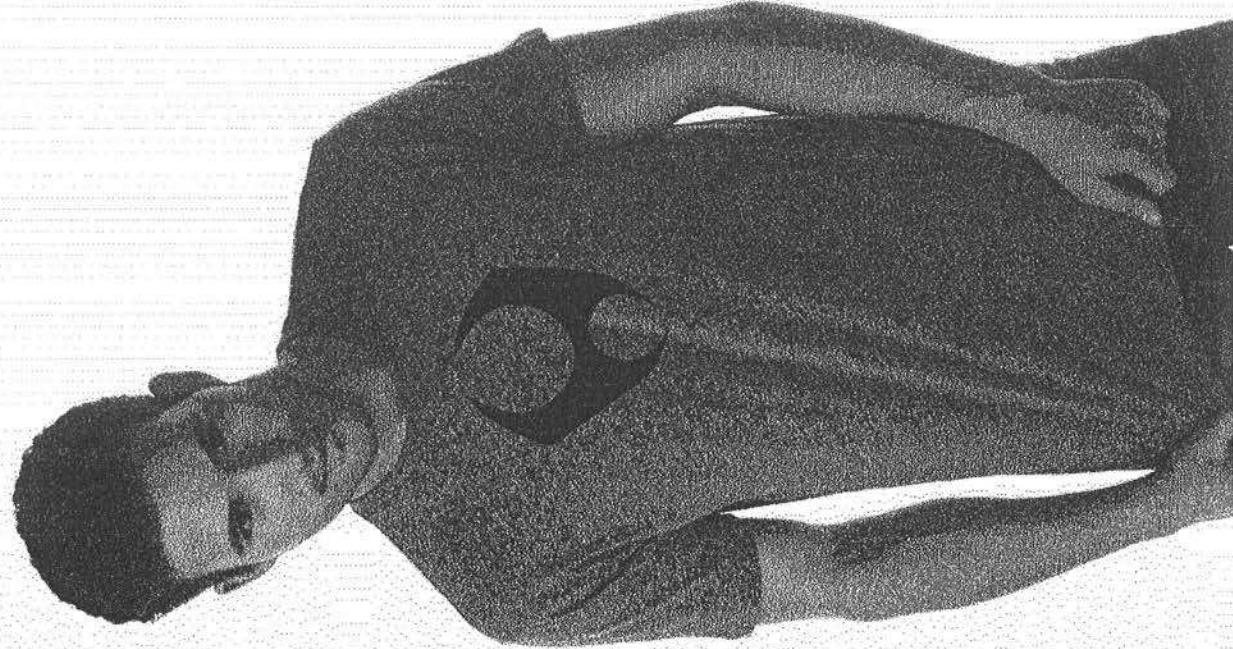






HYLETE

Men's Logo Crew

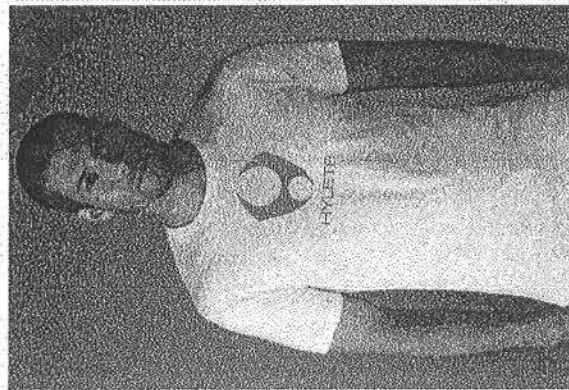
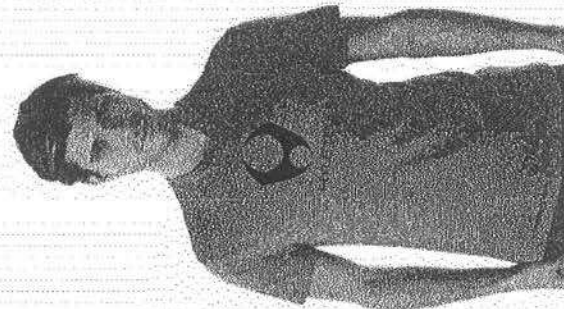
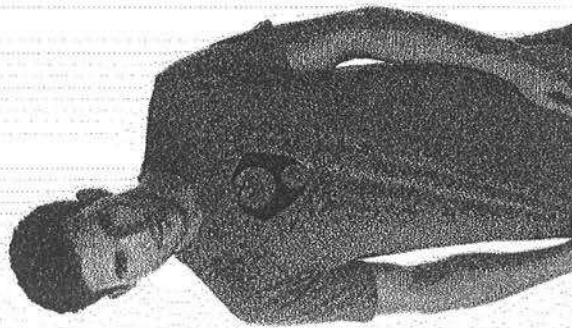
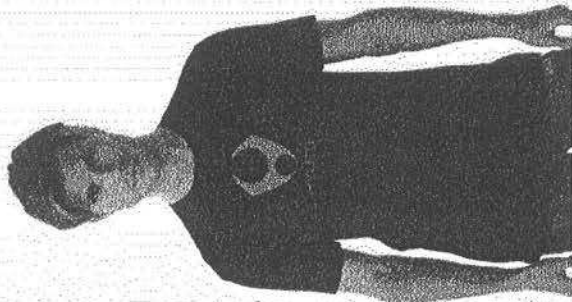
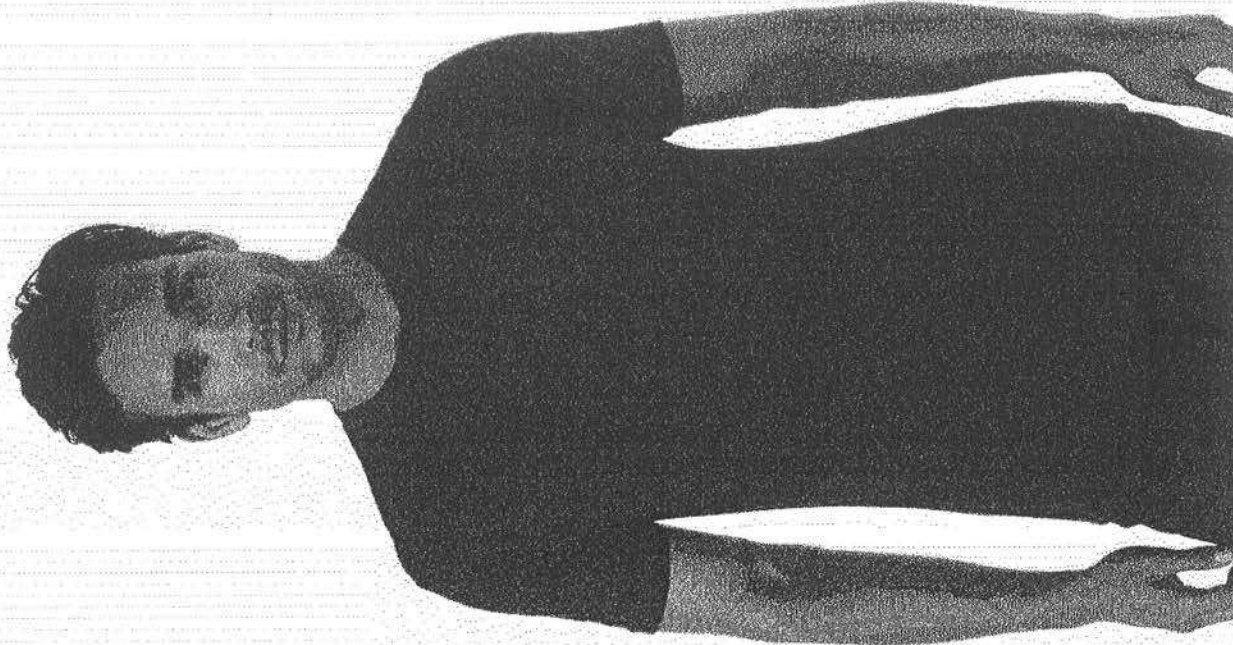






HYLETE

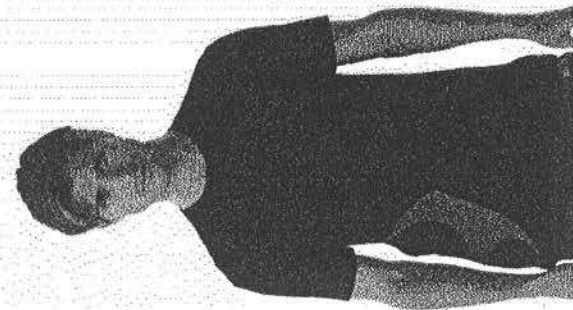
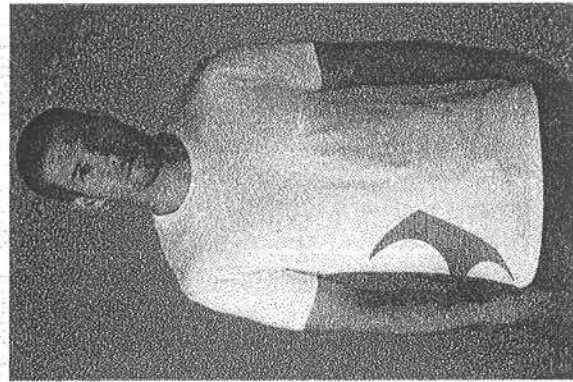
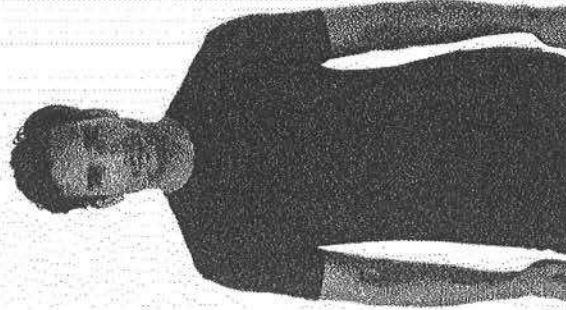
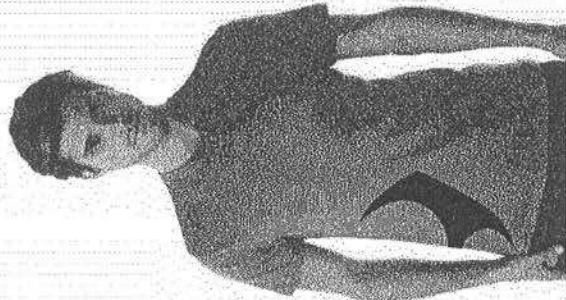
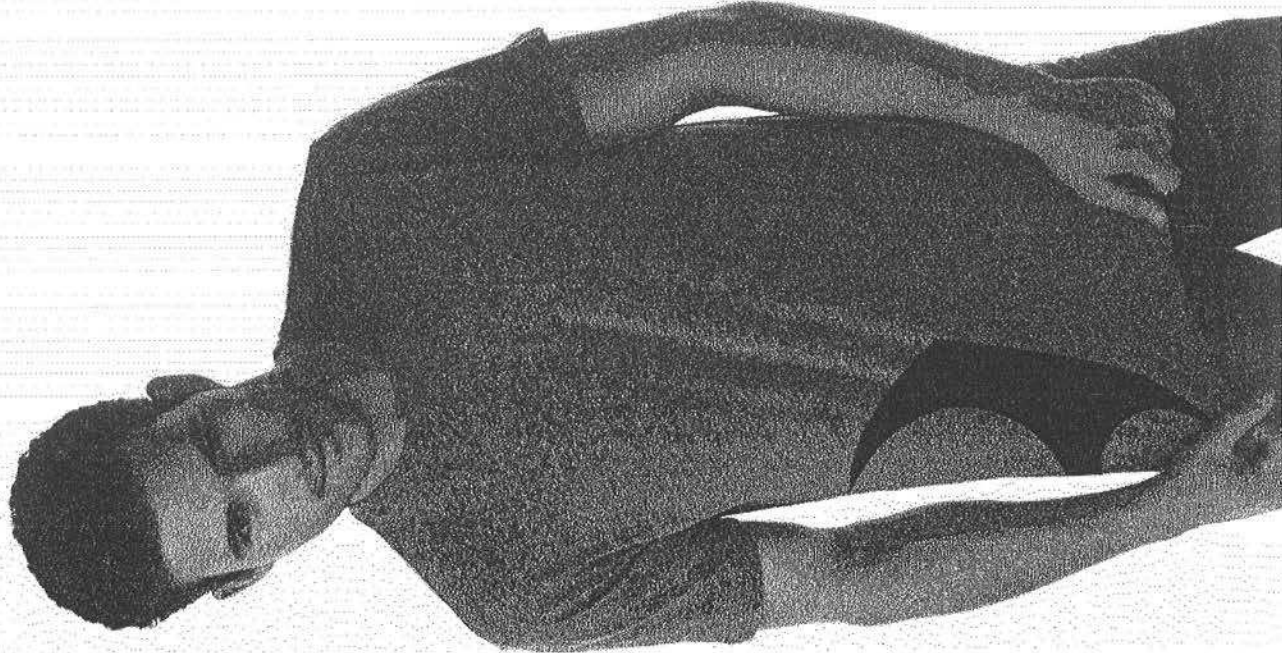
# Men's Stacked Logo Crew





HYLLETE

## Men's Side Logo Crew

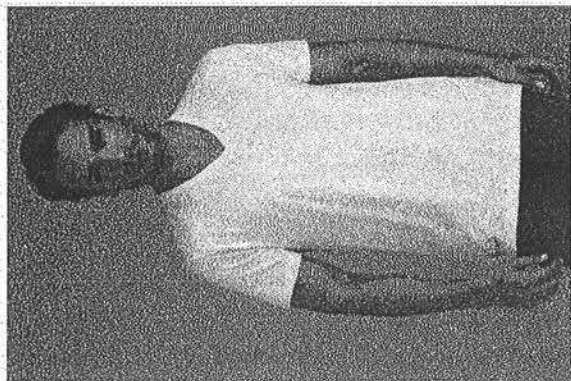
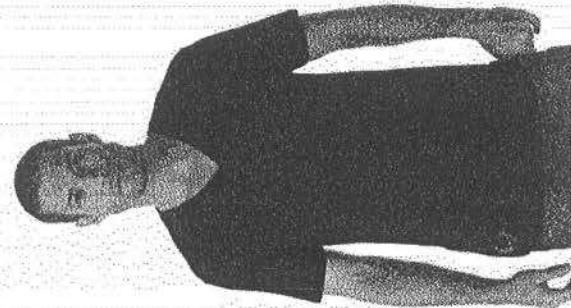
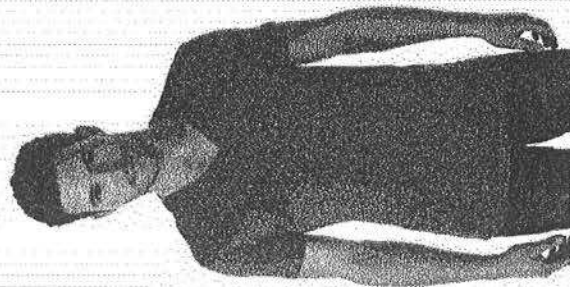
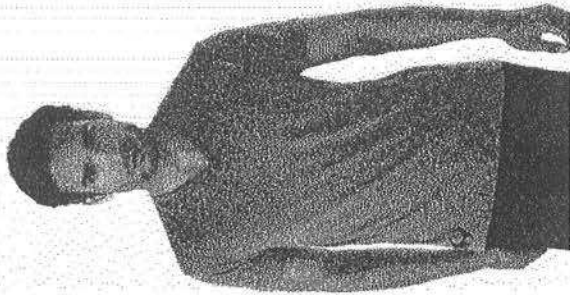






HYLETE

Men's Logo V Neck

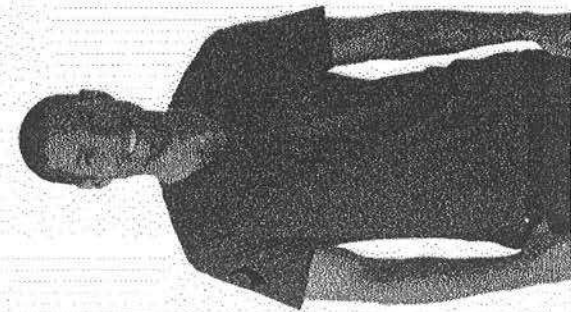
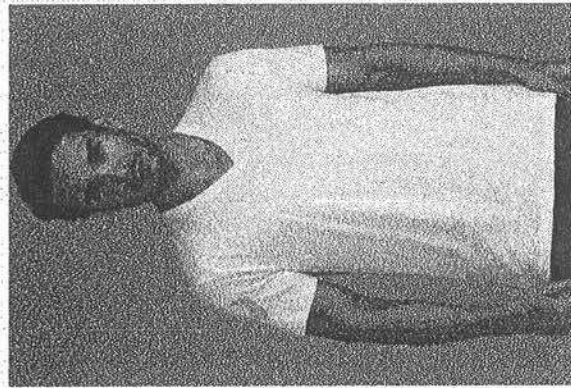
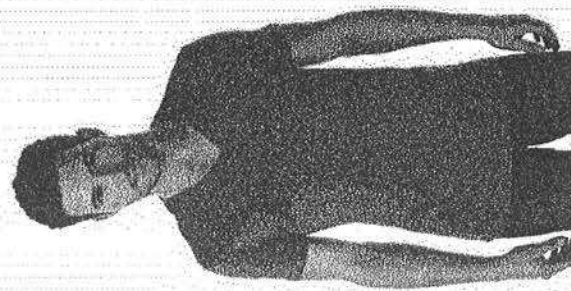
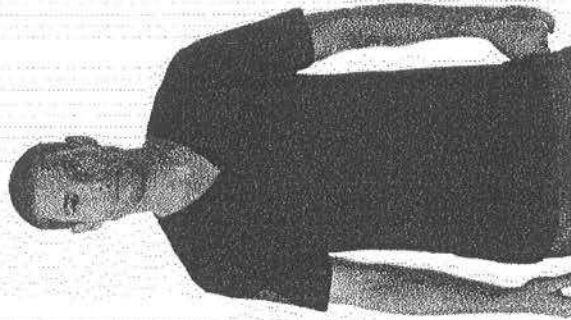
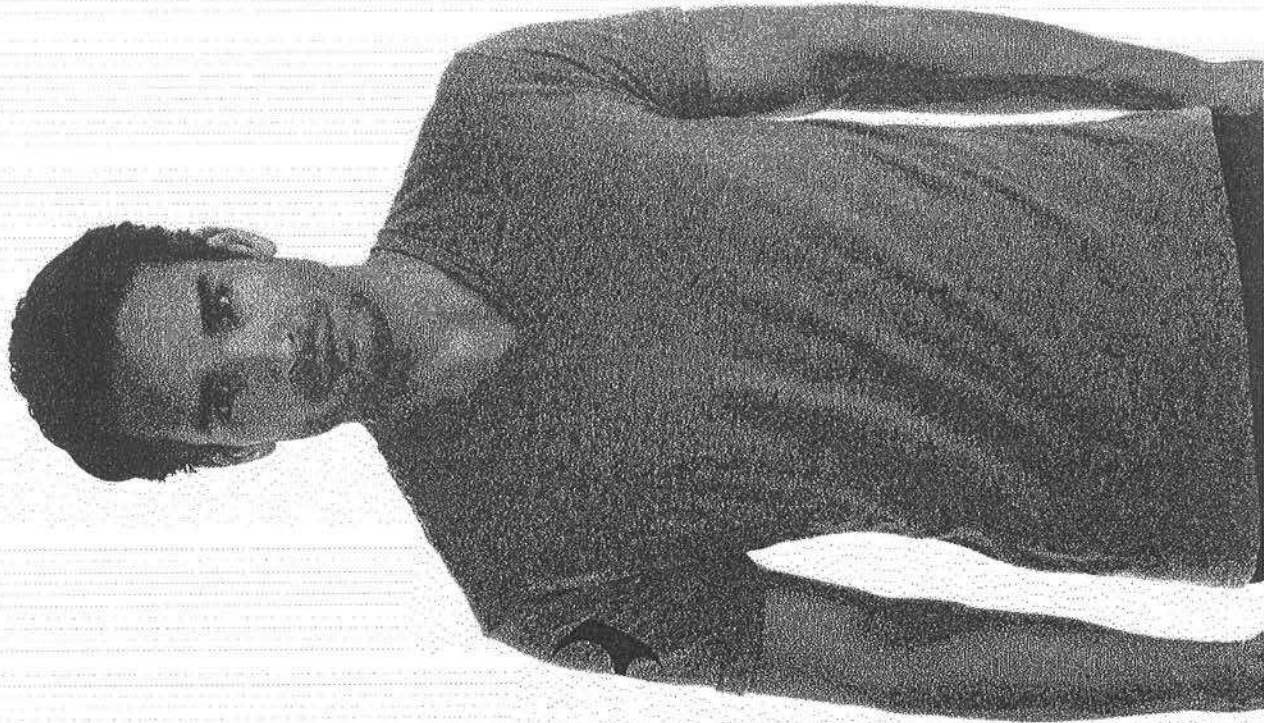






HYLETE

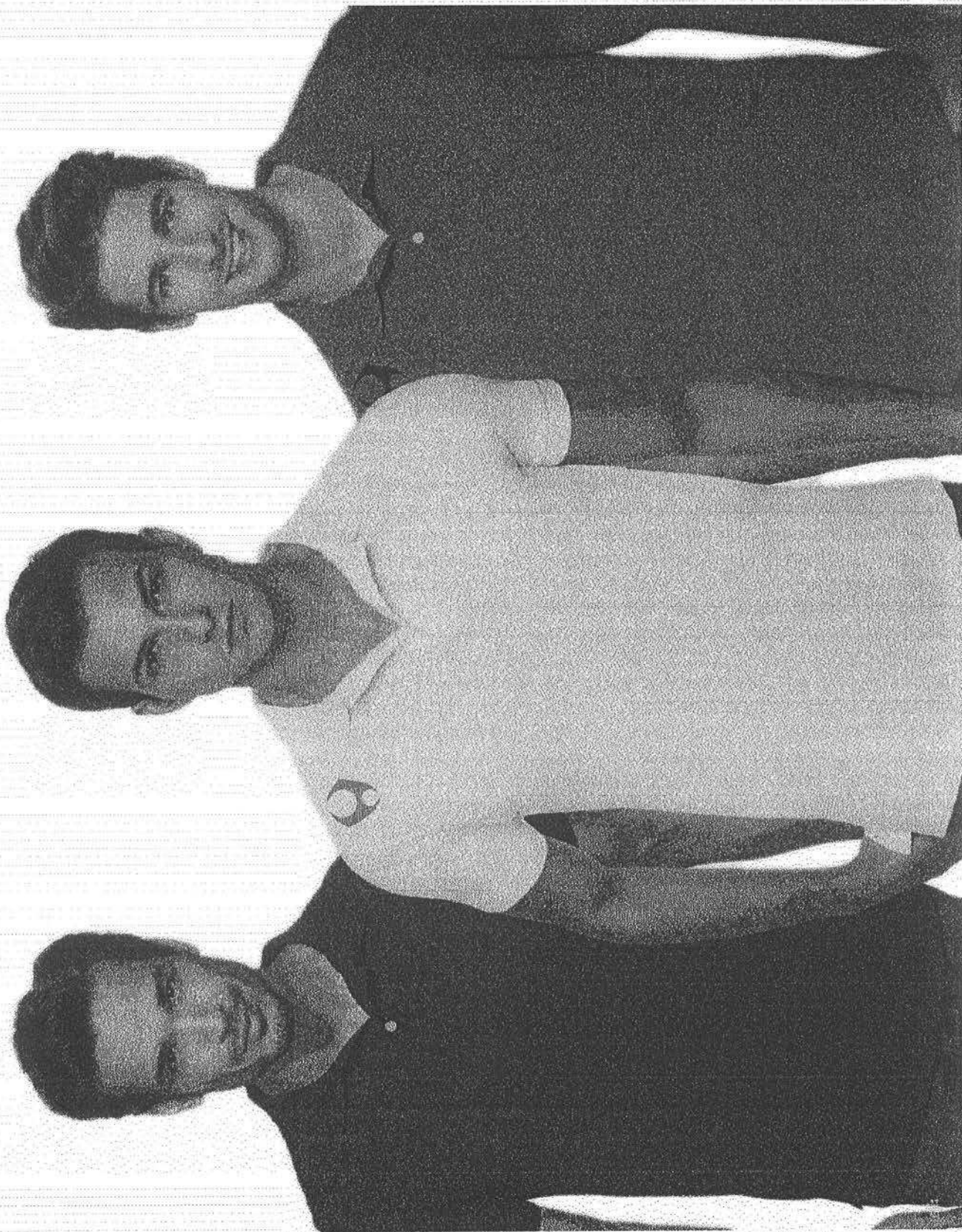
Men's Logo V Neck



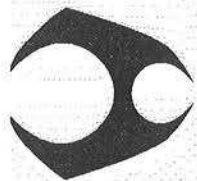


HYLETE

Men's Polo

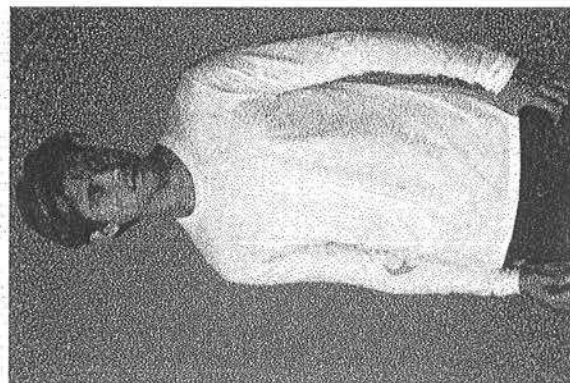
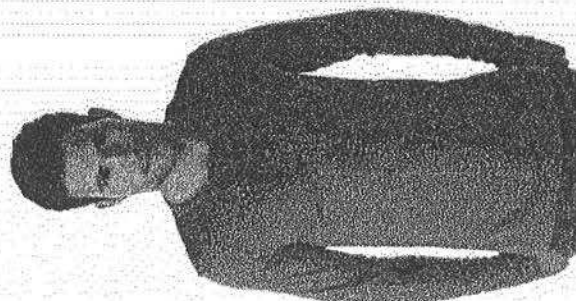
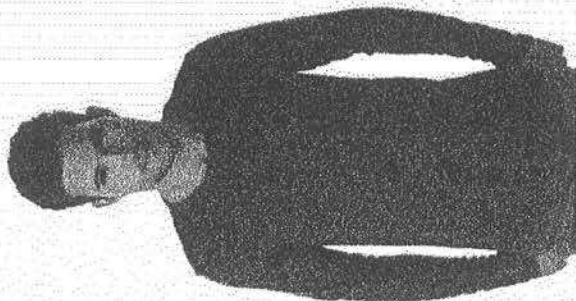
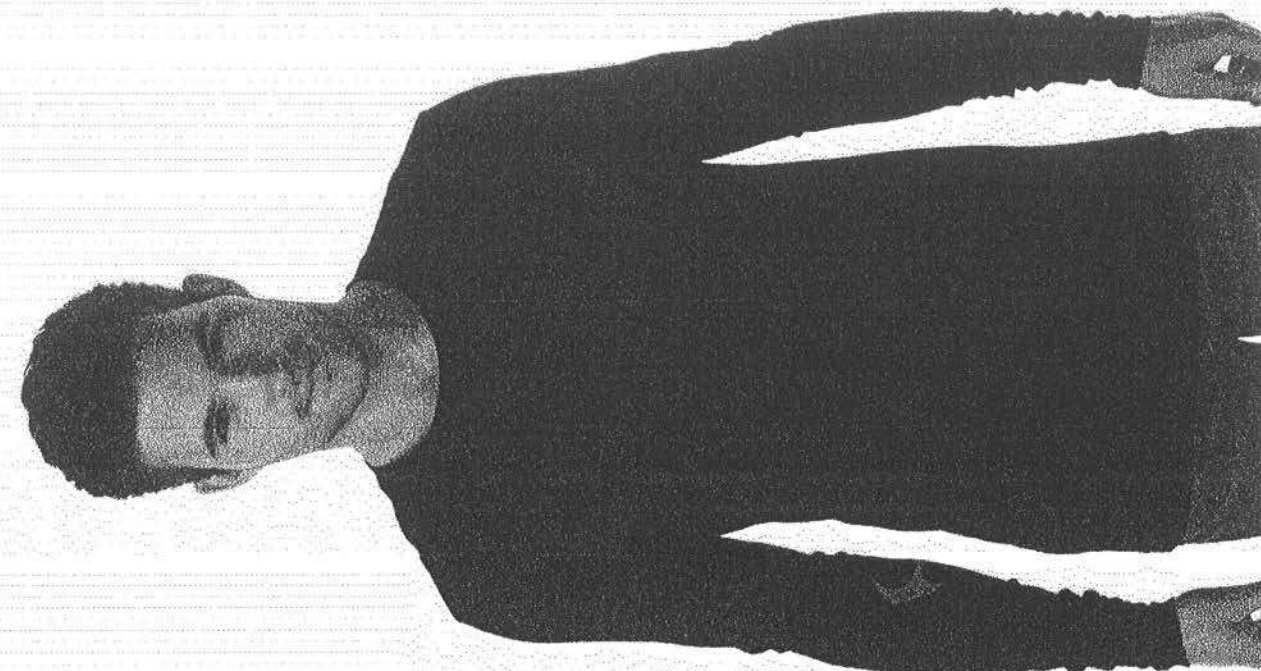






HYLETE

Men's Logo Thermal

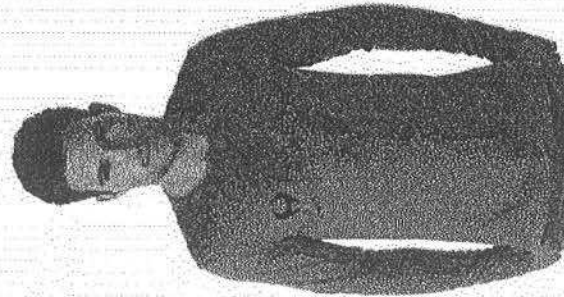
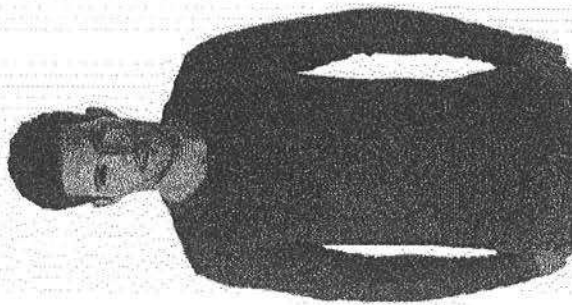






# HYLETE

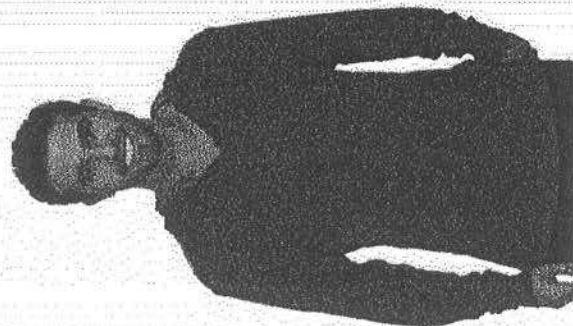
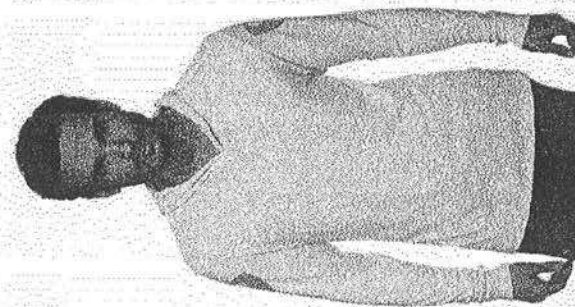
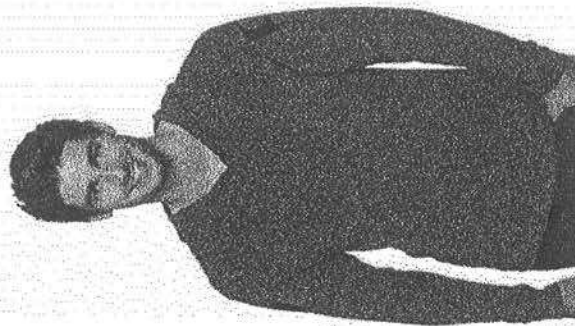
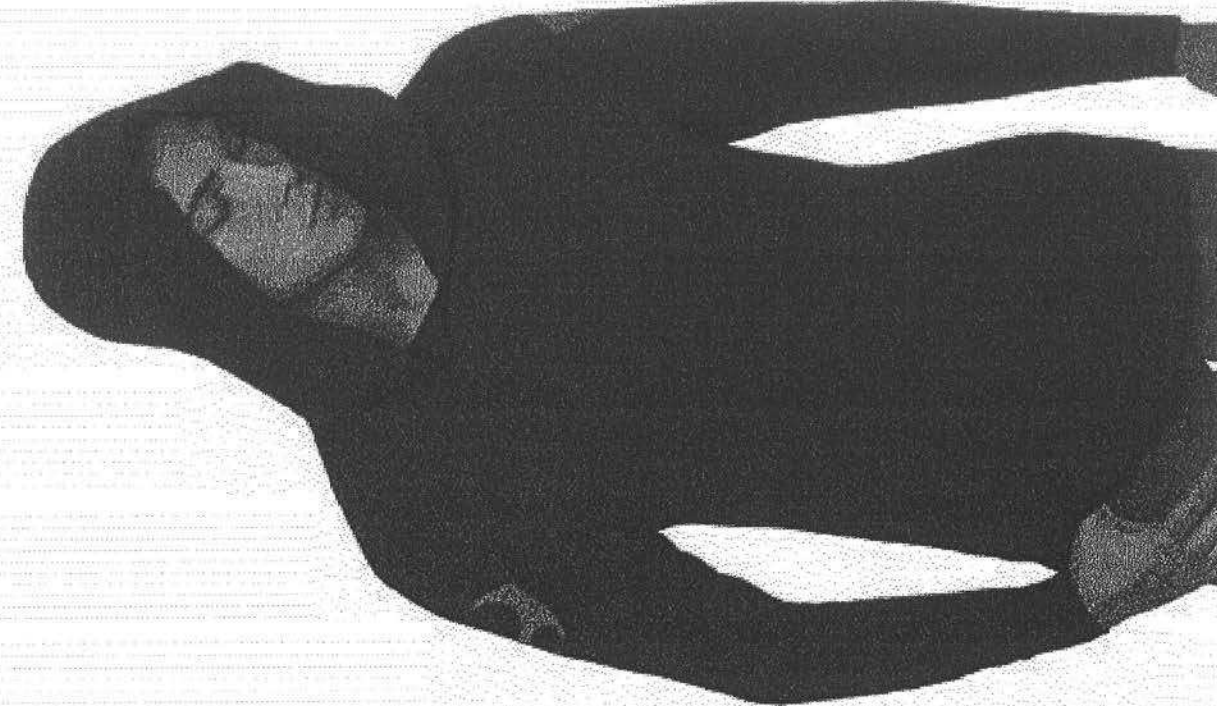
## Men's Hylete Thermal





HYLETE

## Men's Logo Hoodie

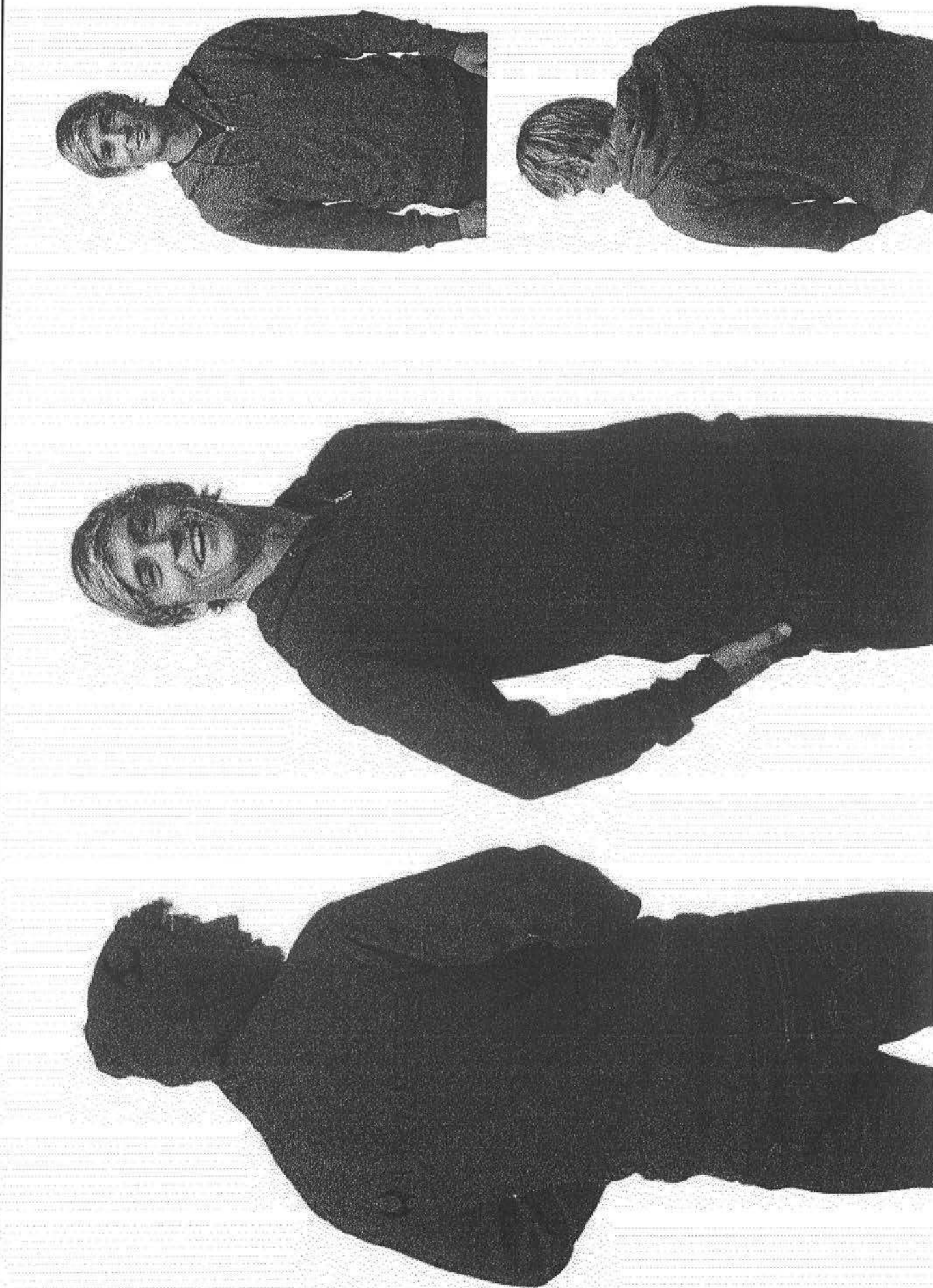






HYLETE

## Men's Logo Hoodie

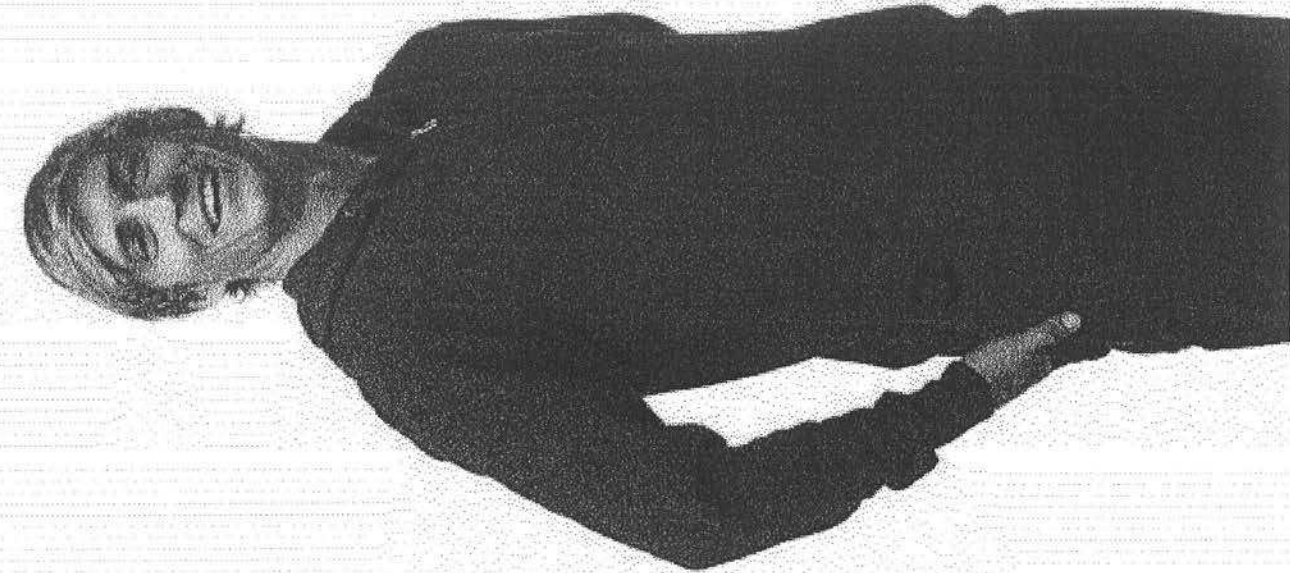


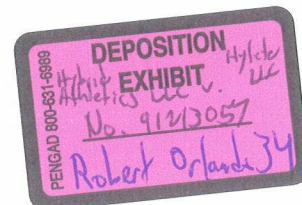




HYLETE

Men's Logo Hoodie





----- Forwarded message -----

From: **Matt Paulson** <[mpaulson@hylete.com](mailto:mpaulson@hylete.com)>  
Date: Fri, Apr 27, 2012 at 10:30 AM  
Subject: More Mock-Ups  
To: Robert Orlando <[conanrules1@gmail.com](mailto:conanrules1@gmail.com)>

Hey Rob,

Hope you're doing well! I attached some more mock-ups for you. Please review and let me know what you think. If you are concerned about the font, we can remove the font and just put the icon similar to the women's tank attached.

I also sent a sample of the tri-blend performance fabric we will be offering for the majority of our shirts. We can also do some cotton-poly performance blends and cotton if desired.

Give me a call when you are free so we can catch up.

Thanks, Matt

Matt Paulson | Chief Integration Officer | [858-225-7185](tel:858-225-7185) | ex 102

**HYLETE** 

train. compete. live.





# HYLETE

## Hybrid Athletics Black Tank



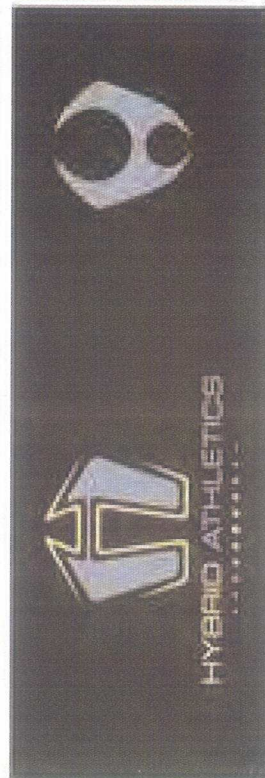
Front



Back

430 C

123 C





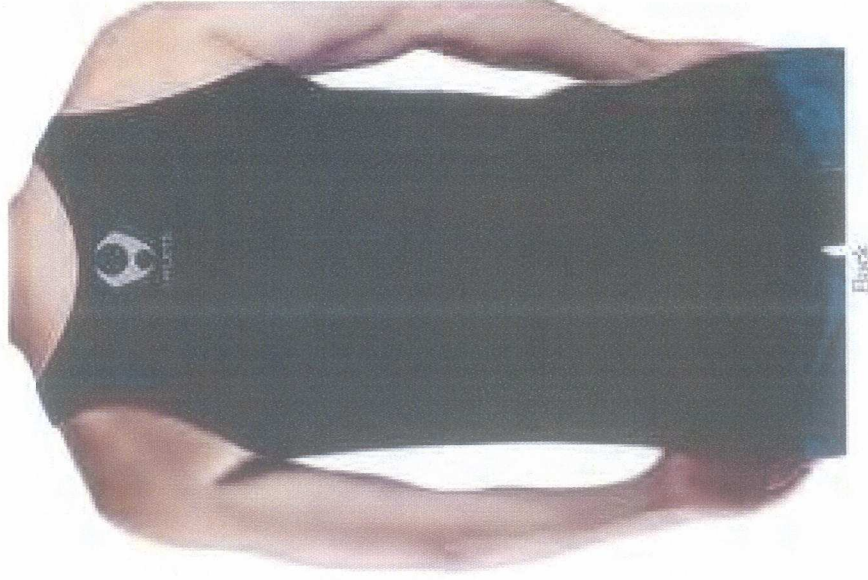


# HYLETE

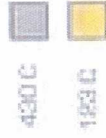
## Hybrid Athletics Black Tank



Front



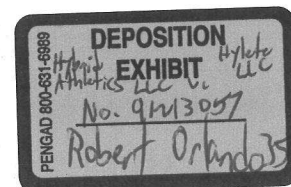
Back



HYBRID ATHLETICS



HYLETE



**From:** Matt Paulson <mpaulson@hylete.com>  
**Sent:** Friday, May 11, 2012 1:01 PM  
**To:** Robert Orlando <conanrules1@gmail.com>  
**Subject:** Update

---

Hey Rob,

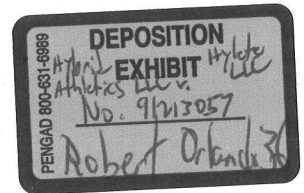
I think you may be still in Australia. Hope you're trip is going well! Just want to give you a brief update... Go to: [shop.hylete.com](http://shop.hylete.com) for images of the website. This will give you an idea of the direction we are taking. There's still a lot to be done but we want to have it ready within the next couple of weeks.

Let me know when you are back in town so we can catch up.

Thanks, Matt

**From:** Matt Paulson <mpaulson@hylete.com>  
**Sent:** Tuesday, October 30, 2012 1:13 PM  
**To:** Robert Orlando <conanrules1@gmail.com>  
**Subject:** Europe Magazine

---



Hey Rob,

How are you? I sent you a text but I'm not sure if you have the same phone number.

I was contacted yesterday by a guy in Europe who has a magazine. He asked if I would introduce you two so he could contact you directly for something magazine related- article, interview.. not sure exactly. Would you mind if introduced you two?

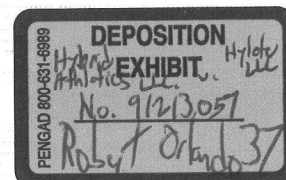
Hope all is well!

--

**Matt Paulson | Chief Integration Officer | 858-225-7185 | ex 102**



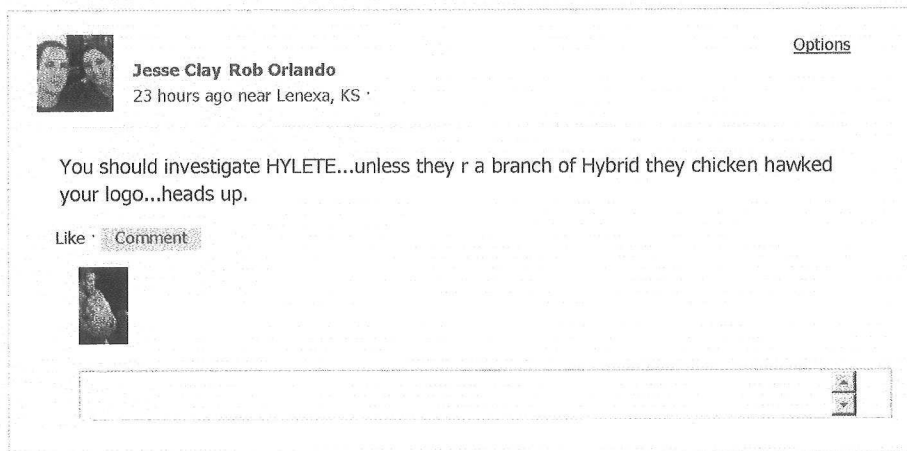




**From:** Robert Orlando <conanrules1@gmail.com>  
**Sent:** Tuesday, May 28, 2013 4:23 PM  
**To:** Steve Weiss <steve@crossfit.com>  
**Subject:** Hylete responds to my accusation

Matt--

Thought you might like to see this. His email is one of a hundred I've gotten...and literally thousands of people have asked if you guys are an off shoot of Hybrid Athletics.



Matt Paulson <[mpaulson@hylete.com](mailto:mpaulson@hylete.com)>

Mar 11

--  
Rob O

to me

Images are not displayed. Display images below - Always display images from [mpaulson@hylete.com](mailto:mpaulson@hylete.com)

Hey Rob,

Hope you're doing well!

With any new logo, people associate that logo with something they have already seen or are familiar with until that new logo takes a life of its own. Our logo is no different. I won't lie, in the beginning we had a few people say it looks like your logo. We also had people tell us it looks like our old JACO logo. If you look at our FB page, you'll see many people comment that it reminds them of Under Armour. In fact, the Under Armour comment has been received the most because that is the brand more people are familiar with. The list could continue with the number of logos that we are compared to- Honda, Hurley, Hyperlite, Spyder, etc. If you put all these logos in a line, you could pick out similarities and dissimilarities; however, they are all individually distinctive.

If you haven't already, put our two 'H's next to each other- Is there a common H element? Sure. Other than that, it's completely different. Ours is round, yours square. The peaks and valleys totally different, etc.

Again, I'm sorry you feel like we 'knocked off' your logo. It couldn't be further from the truth. I'm sure at this point a relationship between HYLETE and HA is off the table. However, I hope we can remain friends.

In regards to an email I sent late last year, the offer is still out there. A European magazine would like to do an article/interview with you. Let me know if you want me to connect you.

Best Regards,

Matt

[www.hybridathletics.net](http://www.hybridathletics.net)  
[www.strongmanwod.com](http://www.strongmanwod.com)  
[www.hybridscoreboard.com](http://www.hybridscoreboard.com)



# facebook

Sign Up

Email or Phone

Password

☐ Keep me logged in

[Forgot your password?](#)

Log In

Jesse Clay · Rob Orlando



March 10, 2013 at 9:53am near Lenexa, KS · 🌐

You should investigate HYTE...unless they r a branch of Hybrid they chicken hawked your logo...heads up.

Like · Comment



**Rob Orlando** I am well aware of those guys. Best way to fight this kind of thing is to boycott their product. Spread the word thru your network. Thanks for watchdogging.  
March 11, 2013 at 9:30am · 🇺🇸 1

Facebook © 2014

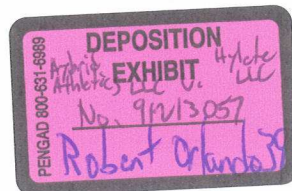
[English \(US\)](#) · [Privacy](#) · [Terms](#) · [Cookies](#) · [More](#)

DEPOSITION  
Hybrid Exhibits LLC  
No. 91013057  
Robert Orlando 38  
PENGAD 800-631-6989

HYBRID000013



**From:** [Robert Orlando](#)  
**To:** [Kosma, Michael J.](#)  
**Subject:** Fwd: Hylete  
**Date:** Tuesday, October 22, 2013 7:21:43 PM



----- Forwarded message -----

**From:** Yusuke <[yusukeaonuma@yahoo.com](mailto:yusukeaonuma@yahoo.com)>  
**Date:** Sun, Jul 28, 2013 at 1:14 PM  
**Subject:** Hylete  
**To:** Robert Orlando <[conanrules1@gmail.com](mailto:conanrules1@gmail.com)>  
**Cc:** Dale Saran <[dale@crossfit.com](mailto:dale@crossfit.com)>, Tony Schmidt <[tschmidt@pacificrisksolutions.com](mailto:tschmidt@pacificrisksolutions.com)>

Hi Rob,

Hope everything is going well!!

At the games, I see a lot of people wearing Hylete clothing and postings on Facebook. Does it have anything to do with Hybrid Athletics?

The logo looks a lot like Hybrid and the name is very similar so was just wondering.

Lift heavy!!

Aloha,

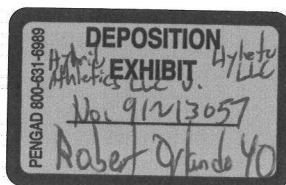
Yusuke

--

**Rob O**

[www.hybridathletics.net](http://www.hybridathletics.net)  
[www.strongmanwod.com](http://www.strongmanwod.com)  
[www.hybridscoreboard.com](http://www.hybridscoreboard.com)





**From:** Miki Carey <mikicarey1@gmail.com>  
**Sent:** Wednesday, October 16, 2013 6:07 PM  
**To:** conanrules1@gmail.com  
**Subject:** hylete discussion

Hi Rob,  
Your conversation was actually helpful in knowing the difference between logos/brands. It was very confusing at first, I completely thought they were one in the same.  
Thank you again for coming to Gardens CrossFit, everyone loved it!  
You are always welcome back and we'd love to be on the list for future tours and/or workshops.

Thanks again,

--  
**Miki Carey**  
***Exercise Dirty, Eat Clean!***  
**Gardens CrossFit**  
**www.gardenscrossfit.com**  
**4098 PGA Blvd**  
**Palm Beach Gardens**  
**561-630-3118 w**  
**810-730-6844 c**





PENGAD 800-631-6989  
**DEPOSITION**  
 EXHIBIT  
 No. 91/13097  
 Robert Orlando

**Rob Orlando**  
 Liked · December 5, 2013

Ready for immediate shipment--we just got men's long sleeve thermals in stock. Sizes M, L, XL, and XXL.  
<http://hybridathletics.net/shop/mens-grey-thermal/>

Like · Comment · Share

100 people like this.  
 1 share

Drake Rodriguez How do feel about hylee athletics, basically copying your logo and name?  
 December 5, 2013 at 10:42am · Like

Richard Jefferies Dam it, just after I ordered!!!  
 December 5, 2013 at 10:17am · Like

Tony Rosetti No 2XL available?  
 December 5, 2013 at 11:11am · Like

Rob Orlando Tony Rosetti We have lots of XXL. Are they showing zero in the store? Email me at rob@hybridathletics.net and I'll take care of it asap.  
 December 5, 2013 at 12:36pm · Like · 1

Alex Mutchler Where can we track our orders?  
 December 5, 2013 at 12:55pm · Like

Joe Talerico Dig it!  
 December 5, 2013 at 1:16pm · Like

Pierre Semaan How much is shipping to Canada?  
 December 5, 2013 at 1:51pm · Like

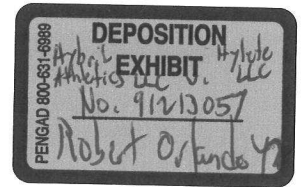
Allan Valdes Rob I still haven't got the shirt from the strongman competition at caution. They told me it would get mailed since there wasn't any XL that day

Write a comment...



**From:** SynCFH <syn@crossfitharlem.com>  
**Sent:** Tuesday, December 24, 2013 7:46 PM  
**To:** Conanrules1@gmail.com  
**Subject:** Hylete...

---



Rob something has to be done with Hylete! It's a blatant rip off of the Hybrid Athletics brand!

Not sure what can be done but the "H" and the term Hybrid Athlete is something you have created in the CrossFit Community.

I'm not sure what can be done but the fact that they are flooding the Community with their Brand over yours is disrespectful in my opinion.

I'm sure they didn't contact you or discuss anything with you which makes the situation even worse.

The CrossFit Community has been in my corner and alert me everytime anyone tries to copy any image of mine or catch phrases.

I'm here to support you in this situation because I know what you've done for the CrossFit Community and for me personally.

This has to be addressed!

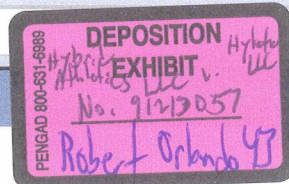
Let me know how I can help!

Syn Martinez  
Owner  
CrossFit Harlem  
212-365-0404



Close

f Rob Orlando



## Recent Posts by Others



## CrossFit 3350

Hey Rob Orlando, Course spot booked for Sydney 16/02 flights booked, wasn't going to miss out a third year in a row lol, and love the Go Heavy shirt! although my wife didn't feel it was so appropriate when I visited her at her work wearing it ;D -James

Like · Comment · 17 hours ago



Rob Orlando likes this.



Rob Orlando Pretty funny the looks you get in that shirt. We considered having a contest to see the most inappropriate place to wear it but we dropped the idea after some of the suggestions---funeral and weight watchers meeting were two that stand out.

16 hours ago · Like · 1



CrossFit 3350 Yeah I could see that going bad pretty quick haha, some people's faces where so great, that look of confusion like they weren't sure exactly what they were reading, the old "did that just happen?..." expression

16 hours ago · Like



Write a comment...



## Eric W. Lester

Is "Hylete" associated with Hybrid Athletics? Their name and logo is more than a little similar but I can't find anything on their site to indicate it.

Like · Comment · January 21 at 5:21pm



Rob Orlando Eric---absolutely not. They have nothing to do with Hybrid Athletics.

23 hours ago · Like



Eric W. Lester Thanks, Rob.

23 hours ago · Like



Write a comment...



## Jack Martin

710 lb yoke carry x 50 feet (pr)

<https://www.youtube.com/embed/dwtrNaP2IBg>

710 lb yoke carry Jack Martin - crossfit Lando

[www.youtube.com](http://www.youtube.com)

50 feet 18 years old 175 bw StrongmanWod

Jan  
16Rob  
sick

2 h



W



Like · Comment · Share · January 18 at 3:12pm

9 people like this.

**Molly Cunningham** Must have been the shirt

January 18 at 6:02pm · Like · 1



Write a comment...

CrossFit S  
anyone wi

Like · Comm

55 peop

View 21

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JanI have han  
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268 pe

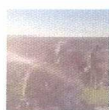
View 34

Bed  
thro

Jan

Cha  
Jan

W

Rob  
Jan**Josh Bohnen**

Hey rob, just wondering if you will be doing any seminars on the west coast in Canada anytime soon? Thanks!

Like · Comment · January 13 at 11:08am



Rob Orlando likes this.

**Rob Orlando** Josh---I'd love to get up in the northwest corner. We need a host. You have any ideas?

January 14 at 7:26pm · Like

**Josh Bohnen** I will check and get back....really not to sure but I am very motivated and really want to get some of that knowledge

January 14 at 7:46pm · Like



Write a comment...

**Payse Puckett**

Did a version of Team Linda today, Deads with the axel bar regular grip, used the log for pwr cleans and benched with a normal bar. It was rough...

Like · Comment · January 9 at 11:40pm near Atlanta, GA

**Carolina Del Villar**Hey Rob!! I send you a beast kind of WOD created by **Sebastian Stange** head coach of **Alianza CrossFit** in Chile! Hope you can try it out and send feedback!! ENOJOYY!



Justin Scott  
beyond v



Like · Comment

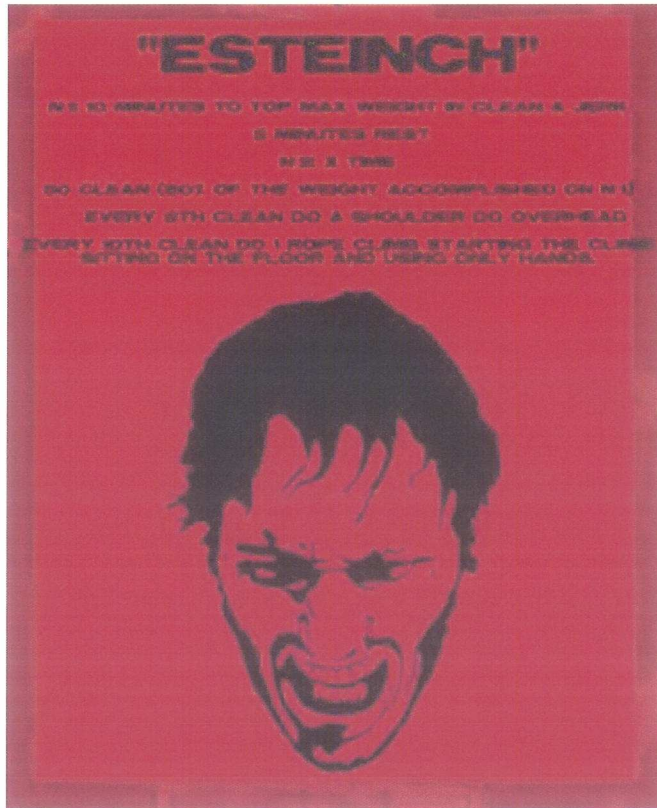
Marc Co

View 8

Nick  
Jan

John  
Jan

Write a comment...



Like · Comment · Share · December 29, 2013 at 6:29pm

8 people like this.

View 2 more comments

 Francisca Salinas   
December 30, 2013 at 9:50am · Like

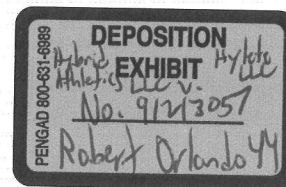
 Andres Navia   
December 30, 2013 at 1:16pm · Like

 Write a comment... 

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**From:** Zach Even - Esh <undergroundstrengthcoach@gmail.com>  
**Sent:** Wednesday, February 26, 2014 11:27 AM  
**To:** Rob Orlando <conanrules1@gmail.com>  
**Subject:** From Zach

---

Rob

Hey, Bro

Hope you're GREAT my man!

I chatted with a Hylete rep in Miami and thought they were your apparel line

I know I saw you were working with them before my man but just checking in to see if this is legit.

Don't hesitate to reach out, my man!!

See you soon!

--Z--

--

\*\*\*\*\*

<http://ZachEven-Esh.com>

<http://UndergroundStrengthGym.com>

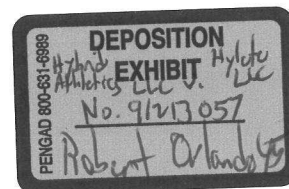
Connect w/me:

<http://ZachsFanPage.com>

<http://TwitterZach.com>

**From:** Tuthill, Matt <mtuthill@muscleandfitness.com>  
**Sent:** Wednesday, February 26, 2014 11:01 AM  
**To:** Robert Orlando <conanrules1@gmail.com>  
**Subject:** Logo Question

---



Hey Rob,

I follow Zach Even-Esh on Instagram and he posted this photo the other day, saying he was training with guys from a company called Hylete:



PHOTO



60 likes

zevenesh Doin some work with @trainhylete  
#undergroundstrengthcoach #crossfit



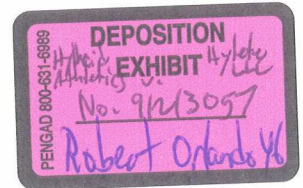


I wanted to ask you if you had licensed out the original Hybrid Athletics logo or sold it, because this thing looks almost identical. If not, I definitely thought you should know. Hope all is well.

Matt Tuthill, C.S.C.S.  
Senior Editor, Muscle&Fitness  
4 New York Plaza, 4th Floor  
New York, NY 10004

**From:** [Robert Orlando](#)  
**To:** [Kosma, Michael J.](#)  
**Subject:** Fwd: copy of Hybrid aghletics...  
**Date:** Sunday, December 28, 2014 11:07:30 AM

---



----- Forwarded message -----

From: **Daniel** <[daniel@reebokcrossfitnuernberg.com](mailto:daniel@reebokcrossfitnuernberg.com)>  
Date: Thu, Nov 6, 2014 at 12:56 AM  
Subject: copy of Hybrid aghletics...  
To: Robert Orlando <[conanrules1@gmail.com](mailto:conanrules1@gmail.com)>  
Cc: Drake <[drake@crossfitreeboknuernberg.com](mailto:drake@crossfitreeboknuernberg.com)>

Hi Rob,

did you know that a copy of your brand means that you succeed...

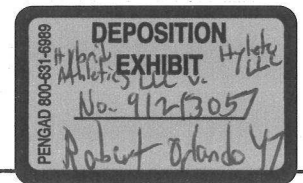
Here it is:

<http://www.hylete.com>

Daniel Vörös  
Owner Reebok Crossfit Nürnberg  
[www.reebokcrossfitnuernberg.com](http://www.reebokcrossfitnuernberg.com)  
Tel.: +49-151-558-397-43  
[daniel@reebokcrossfitnuernberg.com](mailto:daniel@reebokcrossfitnuernberg.com)

**From:** Matt Paulson <mpaulson@hylete.com>  
**Sent:** Wednesday, April 18, 2012 5:48 PM  
**To:** Rob Orlando <conanrules1@gmail.com>  
**Subject:** Re: Hylete

---



Let's shoot for tomorrow afternoon. What time is best for you?

On Wed, Apr 18, 2012 at 2:40 PM, Rob Orlando <conanrules1@gmail.com> wrote:  
Hey Matt--

Things are good here. I'm open tonight or tomorrow afternoon. What works best for you?

Rob O

On Apr 18, 2012, at 3:55 PM, Matt Paulson wrote:

Hey Rob,

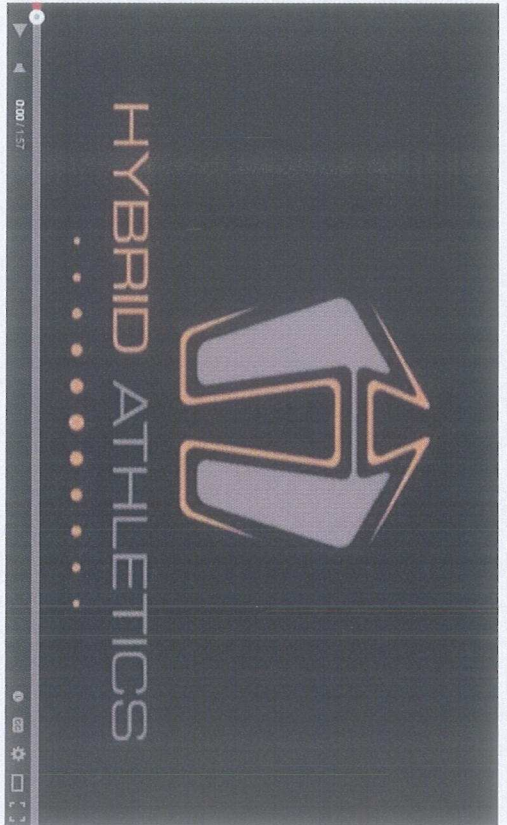
How are you?

What is your schedule like the next couple of days? I want to take you through a brief presentation on the brand and discuss in more detail the compensation plan I was talking about last week. I also received good news from the printer. We can have more shirts to you by the first week in May. We need to get moving quickly on it so I asked our graphic designer to mockup several versions for you on men's and women's shirts. We can discuss this further when we talk.

Thanks, Matt

Rob O  
[conanrules1@gmail.com](mailto:conanrules1@gmail.com)  
[Hybridscoreboard.com](http://Hybridscoreboard.com)  
[Strongmanwod.com](http://Strongmanwod.com)  
[203 388 8751](tel:2033888751)





**"How to get stronger" - Rob Orlando**  
Jenfolio  
Subscribed 156  
Add to Share ... More  
84,893  
244 5

Share Embed Email  
f t e p w in Jo x digg  
<http://youtu.be/IT3wH0MvWFE>  
Start at: 0:00

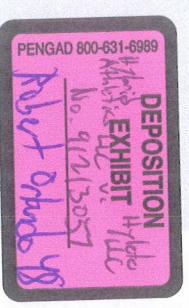
Uploaded on Jan 13, 2012  
www.strongmanmod.com

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ALL COMMENTS (41)

Share your thoughts  
Top comments  
Charleson Burr 9 months ago  
Ok, I'll just throw it out there that 20 years of "real progress" is slow process. Also, people who train like this follow some type of program whether they admit it or not. I guarantee Rob Orlando doesn't go more than 1 week at a time without squatting. Finally, I don't see how following a program or having a plan wouldn't assist him in his goal to become stronger.  
Reply 2 46 90

- CrossFit - California Road Trip: Part 1  
by CrossFit  
126,342 views
- Katie Hogan Box Squats  
by superstrong06  
54,655 views
- SEALFIT - EVO8  
by Rogue Fitness  
50,581 views
- How To Lose Weight And Get Stronger  
Naturally (without steroids)  
by strengthcamp  
105,953 views
- Khalipa & Maddox Battle Fronting  
by Jason Hodge  
256,618 views
- Andrea Ager: CrossFit Tabata  
by Tatum Sneyd  
1,504,301 views
- Rob Orlando: Deadlift  
by George Stover  
72,726 views
- Rob Orlando CrossFit WOD: Overhead,  
Front & Back Squats  
by Prospector Academy (USA)  
43,255 views
- Rob Orlando's Food habits  
by Rob Orlando  
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- "Tyne" with 225 and a vest  
by Rob Orlando  
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- Lucas Parker's Road to the Games -  
Episode 3: Outside the Box  
by WODn  
18,847 views
- CrossFit - Setting Records in Big Sky:  
Fronting and Bally  
by WODn  
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- RossFit  
by CrossFit  
167,224 views
- Rob O from Hybrid Athletics  
by Rob Orlando  
12,291 views
- Rob Orlando  
by Rogue Fitness  
57,720 views



HYBRID001003



View all 7 replies

**Charleston Burr** 5 months ago  
+**Jerry Hansen** Of course, lifting "heavy" works for everyone. My problem is downplaying training programs and cycles. A beginner might interpret that to mean that volume and frequency don't matter (i.e. it's okay to only deadlift 4 times a year, you'll still get a stronger deadlift)

**Finian McHugh** 5 months ago  
+**Charleston Burr** Yeah I guess I can, but there is a lot worse information on the web that may mislead novice lifters. haha. Also I'm not entirely sure that was his intention and I think he's just trying to make getting strong simple. He also states "I am just not rigid enough to follow a program." And honestly I'm not really either. I do the occasional squat program but besides that I wing a lot of what I do and just off of how I feel that day. But I have followed a few squat programs that deal with

**Andrew Lombard** 7 months ago  
Reply  
I'm sorry but he is a legend

**Sturks Fitness** 1 year ago  
+**Worids Strongest Man** doesn't care about pound for pound. That's overall brute strength

**FranklinHD** 1 year ago  
Powderstone is not hally

**Adaptis Parkour** 2 years ago  
This is the real strength training \*\*

**Zac Niedzielski** 2 years ago  
+**Worids Strongest Man** I agree 100 percent listen to your body, it will tell you what works and what doesn't

**belghastZnd** 2 years ago  
Everyone always worries about what everyone else is doing and not what they are it just confuses me

**RD928** 1 year ago  
+**belghastZnd** Yes I'm definitely joking. It's just funny how people in Crossfit (usually ones with no real background or education in any kind of fitness) once they get hooked into it they will just throw it around as the end-all-be-all answer to everything. So what's that, you like Olympic Lifting? You know what would totally improve your Ollies? A lot of glyco-gen-demanding workouts!! hahaha

**Jay Jackson** 2 years ago  
Go Red!

**ItsSolafides** 2 years ago  
+**belghastZnd** Your body lies to you, don't listen to it, make it listen to you.

**ManoManyPasswords** 2 years ago  
1.47 on the foot. :)

**AbsolutelyAmerican** 1 year ago  
+**belghastZnd** Can't tell if you're joking? Yeah people tell me I should do cross-fit because they say it's fun, however, that does not interest me. I am in extremely good shape and very very strong for my sport. p80x is just another high cardio workout and while cardio is important, I prefer to stick to running, sprints, and getting my cardio in my Olympic lifts. I lift a lot, I believe a trainer told me if I was not away at college and competed in my state competition I would have been ranked 3-5 in state.

**AbsolutelyAmerican** 1 year ago  
I do olympic lifting, and I hear all these people telling me to do crossfit, and do p80x, and do whatever else there is, but in the end you have to do what works for you, and do what gets you strong. There are basic lifts, bench, squat, deadlift, clean and jerk, snatch, but other than those, you must do what works for you! I am on a stuck segment because I am trying to qualify for nationals next year, but you must do what works for you!

**Nathaniel Lane** 2 years ago  
Pure simplicity... gotta love it!

Rob O from Hybrid Athletics

By Rob O from Hybrid Athletics

11,558 views

Rob Orlando at the VIKINGEST Strongman Competition

By Rob O from Hybrid Athletics

255,744 views

Rob Orlando does "King Kong".....twice

By Rob O from Hybrid Athletics

76,177 views

Project Mayhem - Rich Freiling does

By Rob O from Hybrid Athletics

127,553 views

CrossFit - King Kong with Walls at the

By Rob O from Hybrid Athletics

73,143 views

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HYBRID001004

**Kyle Counter** 1 year ago · in reply to [Chris Thompson](#)  
Just went to his seminar. When you listen to him explain it more you would get it. It's all about your body and how you feel. If you go a week without squatting, well, tomorrow you are squatting heavy then, he says no program, but it still somewhat is "Your body programs it off how it feels. I learned a lot from it."

**30xMILITARY** 3 years ago · in reply to [mossman](#)  
Poundstone is a strongman and frequently incorporates this stuff into his training. Your both appreciating the same art.

**Stink Rock** 1 year ago  
I like how he thinks. Down to earth, ya he doesn't like percentages... Just the way he is you can criticize his thinking, cause its working lol

**Philip Fergan** 1 year ago  
I've watched this video dozens of times for motivation but does anyone actually know where what the audio bit is from? Is it just a random fan asking how to get as strong as Rob or what?

**RD929** 1 year ago · in reply to [Chris Belsie](#)  
Isn't Poundstone literally almost twice the weight of Chander? I thought he was like 330 or something...

**Robert Justin Bannister** 1 year ago  
"Today doesn't really matter, it's just a stepping stone for tomorrow" awesome quote Rob Ol thanks man

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Language: English

Country: Worldwide

Safety: Off

History

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<https://www.youtube.com/watch?v=13wv5VvWFE> Sun Dec 28 2014 13:23:02 GMT-0500 (Eastern Standard Time)

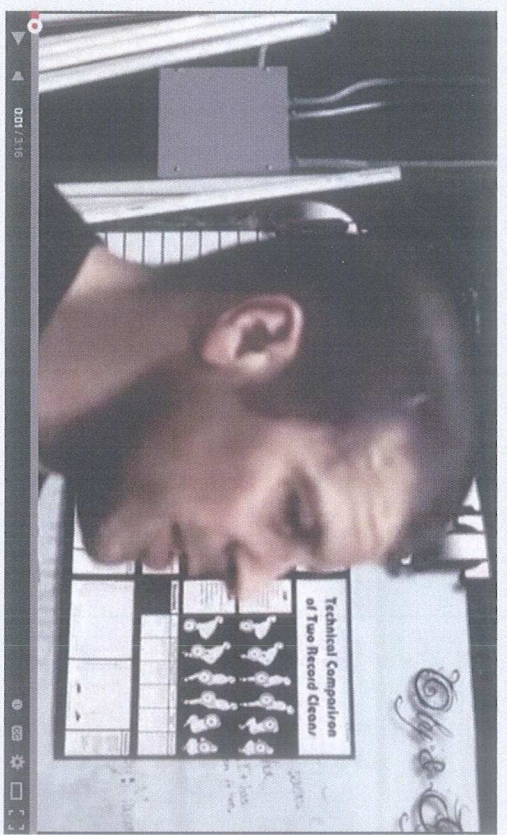
HYBRID001005



rob orlando

Q

Upload



Rob Orlando CrossFit WOD: Overhead, Front & Back Squats

Progenex Administration

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43,398 views 73 likes

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Facebook Twitter Google+ YouTube LinkedIn StumbleUpon Dribbble

http://youtu.be/wXGPuDJZuE

Start at 0:01

Uploaded on Apr 22, 2011  
Rob Orlando does a 455# back squat after a 385# front squat and a 255# overhead squat, which is a "huge weakness" for him. Oh, how I long for such weakness.

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ALL COMMENTS (17)

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Top comments

081walest 2 years ago  
What's wrong with his back??

CrossFit - Matt Chan and Westside Barbell Programming  
by CrossFit76  
68,002 views

Rob Orlando, Deadlift  
by George Street  
72,785 views

2014 Reebok CrossFit Games Men's Overhead Squat Rich Froning  
by TreadSpace Landscapes  
73,000 views

Dive Tale on Recovery  
by TreadSpace  
59,640 views

"Lynne" with 225 and a vest  
by Rob Orlando  
22,313 views

CrossFit HQ - Rob Orlando - 100 Bodyweight Backsquats  
by CrossFitHQ-2011  
13,085 views

Strength & conditioning  
by reynold12  
39 videos

Knutipe & Meddix Barle Froning  
by Knutipe & Meddix  
256,618 views

Reebok CrossFit Games 2013 Men Clean & Jerk Ladder HD  
by James Fitzgibbon  
525,006 views

RossFit  
by CrossFit759  
187,254 views

CrossFit - King Kong with Walls at the Arnold  
by CrossFit759  
73,743 views

SRT71 "Blackbird" Arklow  
by Kelli Strickland  
3,339 views

CrossFit - WOD 10/1/09 Demo with Rich Froning Jr.  
by CrossFit76  
310,574 views

CrossFit - CrossFit Games Behind the Scenes - 2011: Part 5  
by CrossFit76  
112,454 views

Why Front Squats Are Better For Athletes  
by TreadSpace  
752,170 views

PENGAD 800-631-6969  
DEPOSITION  
EXHIBIT 4/16  
No. 912/3057  
Robert Orlando 46

HYBRID001006



- comfuser new 1 year ago in reply to progess-administration  
The song is Sharter, album is Full Contact 1
- oioi 2 years ago  
Anyone know what shoes he
- Progress Administration 3 years ago  
Were not sure what the song is, Rob sent us the video. Sorry.
- Crabbapplekid 2 years ago  
Where can I get those leg things Rob is wearing?
- Valis George 1 year ago  
Have you tried "Megalaxy Muscle Maker"? (Go google it) It is a quick way to build muscle fast
- Cameron Wylie 1 year ago  
Huge weakness? How I pray for such weakness...
- MyLifeArab 2 years ago  
damn
- G. Epp 1 year ago  
When you weigh in the fact that he overhyped and frontsquatted heavy prior to back squatting that 485 is pretty impressive. Probably could have 550 with fresh legs
- h4216 1 years ago  
song?
- Brandon Armstrong 1 year ago  
This dude is nothing but class.
- 360NAAI  
Puckinba? 1 year ago in reply to comfuser105  
Still couldn't find it?? Who's the artist?
- HustleGriek 2 years ago in reply to oioi  
Could be a pair of New Balance u410w
- Windford 1 year ago in reply to Cameron Wylie  
Right, may we all be so deficient!
- JDMCant7 2 years ago  
dudes a beast!
- cs4ngle37 1 years ago  
hey guys what song is this that they play throughout the video?
- John Bikkijar 2 years ago in reply to Crabbapplekid  
im pretty sure those things are called BSC "Body Science" body science dot com dot dot dot

CrossFit: WORKOUT FROM HELL!  
(Chris Spealler and Jason Knipl)  
by EricSage Productions  
655,778 views

Team of Champions: The Story of the  
CrossFit®  
by CrossFit®  
71,655 views

Rob Orlando 3.2.1 WOD  
by Orlando Street  
13,056 views

Rob Orlando at the Yikigfest  
Strongman Competition.  
by Orlando Street  
251,744 views

CrossFit: Rob Orlando Power Cleans  
Singles for WOD 110607  
by Orlando Street  
150,545 views

3:46

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<https://www.youtube.com/watch?v=GPwUOLuE5u0> Sun Dec 28 2014 12:23:13 GMT-0500 (Eastern Standard Time)

HYBRID001008